

AMENDED IN ASSEMBLY JUNE 12, 2016

AMENDED IN ASSEMBLY MAY 25, 2016

**SENATE BILL**

**No. 836**

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**Introduced by Committee on Budget and Fiscal Review**

January 7, 2016

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An act relating to the Budget Act of 2016, to amend Sections 655, 2556.1, 2556.2, 3010.5, 3011, 3013, and 3020 of the Business and Professions Code, to amend Sections 846.1 and 1789.37 of the Civil Code, to amend Sections 77, 1345, 1346, 1370, 1371, 1375, 1379, and 1563 of the Code of Civil Procedure, to amend Sections 12117, 17295, 24618, 68121, 70010.1, 70010.5, 76300, 81133, and 89750.5 of the Education Code, to amend Sections 1122 and 15512 of the Fish and Game Code, to amend Sections 3955, 14978.2, and 52295 of the Food and Agricultural Code, to amend Sections 800, 850.6, 900.2, 905.2, 905.3, 906, 911.2, 912.5, 915, 920, 925, 925.4, 925.6, 926, 926.2, 926.4, 926.6, 927.13, 935.6, 935.7, 940.2, 965, 965.1, 965.5, 997.1, 998.2, 1151, 3515.7, 6254.17, 6276.08, 7599.2, 8652, 8902, 11007.6, 11014, 11030.1, 11030.2, 11031, 11125.7, 11125.8, 11270, 11270.1, 11274, 11275, 11852, 11854, 11860, 11862, 11864, 11870, 11872, 11874, 11880, 11890, 11892, 11894, 12432, 12803.2, 13300, 13300.5, 13332.02, 13332.03, 13332.09, 13900, 13901, 13905, 13909, 13951, 13972, 13973, 13974, 13974.1, 13974.5, 13995.40, 14084, 14600, 15202, 16302.1, 16304.6, 16383, 16431, 17051.5, 17201, 18708, 19815.4, 20163, 21223, 21265, 22910, 22911, 26749, 68503, 68506, 68543, 68543.5, 68543.8, and 68565 of, to amend the heading of Article 5 (commencing with Section 11890) of Chapter 10 of Part 1 of, and to amend the heading of Part 4 (commencing with Section 13900) of, Division 3 of Title 2 of, to amend and renumber Sections 13920, 13923, 13928, 13940, 13941, 13942, 13943, 13943.1, 13943.2, 13943.3, and 13944 of, to amend, repeal, and add Section 17518.5 of, to repeal

*Sections 11276 and 11277 of, to add Sections 11893, 11895, 14659, 14659.01, 14659.02, 14659.03, 14659.04, 14659.05, 14659.06, and 14659.07 to, to add Article 5.2 (commencing with Section 9112) to Chapter 1.5 of Part 1 of Division 2 of, and to add Article 3.5 (commencing with Section 14691) to Chapter 2 of Part 5.5 of Division 3 of, Title 2 of, to add the heading of Article 2.5 (commencing with Section 12433) to Chapter 5 of Part 2 of, and to add the heading of Article 1.1 (commencing with Section 14659) to Chapter 2 of Part 5.5 of, Division 3 of Title 2 of, the Government Code, to amend Sections 1492, 11502, 13052, 25372, 25373, 25374, 25375, 25375.5, 25376, 25377, 25379, 25380, 25381, 25382, and 121270 of, and to repeal Section 25370 of, the Health and Safety Code, to amend Sections 11580.1 and 11872 of the Insurance Code, to amend Sections 1308.10, 1684, 1698, 1700.18, 1706, 1720.9, 2059, 2065, 2658, 2699, 4724, 4725, 4726, 6507, 7311.4, 7314, 7315, 7340, 7341, 7342, 7343, 7344, 7345, 7346, 7347, 7348, 7350, 7351, 7352, 7353, 7354, 7354.5, 7356, 7357, 7373, 7720, 7721, 7722, 7904, 7924, 7929, 7991, 8001, 8002, 9021.6, and 9021.9 of, to amend the heading of Chapter 4 (commencing with Section 7340) of Part 3 of Division 5 of, to amend, repeal, and add Section 2699.3 of, to add Section 1308.11 to, to repeal Section 9021.7 of, and to repeal and add Section 7380 of, the Labor Code, to amend Sections 422.92, 600.2, 600.5, 851.8, 851.865, 987.9, 1191.15, 1191.2, 1202.4, 1202.41, 1214, 1463.02, 1485.5, 1485.55, 1557, 2085.5, 2085.6, 2786, 4900, 4901, 4902, 4904, 4905, 4906, 11163, 11172, 13835.2, and 14030 of the Penal Code, to amend Sections 216 and 9202 of the Probate Code, to amend Sections 10301, 10306, 10308, 10311, 10326.2, and 12102.2 of the Public Contract Code, to amend Sections 4116, 4602.6, 5093.68, and 30171.2 of, and to add Chapter 6.7 (commencing with Section 21189.50) to Division 13 of, the Public Resources Code, to amend Sections 17059.2, 23636, and 23689 of the Revenue and Taxation Code, to amend Section 30162 of the Streets and Highways Code, to amend Sections 1095 and 14013 of the Unemployment Insurance Code, and to amend Sections 1752.81, 1752.82, 4461, 11212, 14171.5, 14171.6, and 15634 of the Welfare and Institutions Code, relating to state government, and making an appropriation therefor, to take effect immediately, bill related to the budget.*

## LEGISLATIVE COUNSEL'S DIGEST

SB 836, as amended, Committee on Budget and Fiscal Review.  
~~Budget Act of 2016. State government.~~

*(1) Existing law requires the State Board of Optometry to be responsible for the registration and regulation of nonresident contact lens sellers and dispensing opticians. Existing law authorizes a registered dispensing optician or optical company to operate, own, or have an ownership interest in a health plan, defined as a licensed health care service plan, and authorizes an optometrist, a registered dispensing optician, an optical company, or a health plan to execute a lease or other written agreement giving rise to a direct or indirect landlord-tenant relationship with an optometrist if specified conditions are contained in a written agreement. Existing law authorizes the board to inspect, upon request, an individual lease agreement and authorizes personal information, as defined, to be redacted from the lease agreement prior to submission of the lease agreement to the board. Existing law makes a violation of these provisions a crime.*

*This bill would, notwithstanding any other law and in addition to any action available to the board, authorize the board to issue a citation containing an order of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law. The bill would require the full amount of the assessed fine to be added to the fee for renewal of a license and would prohibit the license from being renewed without payment of both the renewal fee and the fine. The bill, among other things, would also delete the authorization to redact personal information from a lease agreement, and would, therefore, expand an existing crime resulting in the imposition of a state-mandated local program.*

*(2) Existing law requires any health plan, defined as a licensed health care service plan, to report to the board, among other things, that 100% of its locations no longer employ an optometrist by January 1, 2019. Existing law makes a violation of this provision a crime.*

*This bill would instead require a registered dispensing optician or optical company that owns a health plan to meet certain milestones, including that 100% of its locations no longer employ optometrists by January 1, 2019, and report to the board whether those milestones have been met within 30 days of each milestone. The bill would also, notwithstanding any other law and in addition to any action available to the board, authorize the board to issue a citation containing an order*

*of abatement, an order to pay an administrative fine not to exceed \$50,000, or both, as specified, for a violation of a specific section of law. The bill would require the full amount of the assessed fine to be added to the fee for renewal of a license and would prohibit the license from being renewed without payment of both the renewal fee and the fine. By placing new requirements on a registered dispensing optician or optical company, this bill would expand an existing crime, and would, therefore, impose a state-mandated local program.*

*(3) Under existing law, the Optometry Practice Act, the board consists of 11 members, 5 of whom are public members, 3 appointed by the Governor and one each appointed by the Senate Committee on Rules and the Speaker of the Assembly, and 6 of whom are nonpublic members appointed by the Governor. Existing law requires one of those nonpublic members to be a registered dispensing optician and requires the initial appointment of that member to replace the optometrist member whose term expired on June 1, 2015.*

*This bill, for appointments made on or after January 1, 2016, would authorize the Governor to appoint a spectacle lens dispenser or contact lens dispenser as that member.*

*(4) Existing law establishes a dispensing optician committee under the board, requires the committee to advise and make recommendations to the board regarding the regulation of dispensing opticians pursuant to the act, and tasks the committee with recommending registration standards and criteria for the registration of dispensing opticians and reviewing the disciplinary guidelines relating to registered dispensing opticians. Existing law requires the committee to consist of 2 registered dispensing opticians, 2 public members, and one member of the board.*

*This bill, as of January 1, 2016, would instead require one of those registered dispensing optician members to be a spectacle lens dispenser or a contact lens dispenser, would require the committee to additionally advise the board regarding the regulation of spectacle lens dispensers and contact lens dispensers, and would additionally task the committee with recommending registration standards and criteria for the registration of those dispensers and nonresident contact lens sellers and reviewing the disciplinary guidelines relating to those dispensers and nonresident contact lens sellers.*

*(5) Existing law establishes a system of public elementary and secondary education in this state in which local educational agencies provide instruction in kindergarten and grades 1 to 12, inclusive, in the public elementary and secondary schools. Existing law also*

*establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and authorizes community college districts throughout the state to provide instruction at the campuses they operate.*

*With respect to facilities for both public elementary and secondary schools and for community colleges, existing law requires that the Department of General Services pass upon and approve or reject all plans for the construction of, or, if the estimated cost exceeds \$25,000, the alteration of, any school building. Existing law also requires, where the estimated cost of the reconstruction or alteration of, or an addition to, any school building exceeds \$25,000, but does not exceed \$100,000, that a licensed structural engineer examine the proposed project to determine if it is a nonstructural alteration or a structural alteration, as specified. Existing law authorizes the Department of General Services to increase the dollar amounts referenced above on an annual basis, commencing on January 1, 1999, according to an inflationary index governing construction costs that is selected and recognized by the department.*

*This bill would increase from \$25,000 to \$100,000 the estimated cost threshold for the requirement that the Department of General Services pass upon and approve or reject all plans for the construction or alteration of any school building. The bill would also increase the amounts in existing law so that, where the estimated cost of the reconstruction or alteration of, or an addition to, any school building exceeds \$100,000, but does not exceed \$225,000, a licensed structural engineer would be required to examine the proposed project as specified. The bill would authorize the Department of General Services to increase these dollar amounts on an annual basis, commencing on January 1, 2018, according to an inflationary index governing construction costs as referenced above.*

*(6) Existing law creates the Central Service Cost Recovery Fund, and provides for the deposit into that fund of amounts equal to the fair share of administrative costs due and payable from state agencies, and directs that moneys in the Central Service Cost Recovery Fund be appropriated for the administration of the state government, as determined by the Director of Finance. Existing law requires the Department of Finance to certify annually to the Controller the amount determined to be the fair share of administrative costs due and payable from each state agency, and requires the Controller to transmit to each state agency from which administrative costs have been determined or*

*redetermined to be due, a statement in writing setting forth the amount of the administrative costs due from the state agency and stating that, unless a written request to determine the payment is filed by the state agency, the Controller will transfer the amount of the administrative costs, or advance for administrative costs, from the special fund or funds charged to the Central Service Cost Recovery Fund or the General Fund, as specified. Existing law requires the Controller to transfer <sup>1</sup>/<sub>4</sub> the amount determined on August 15, November 15, February 15, and May 15 of each fiscal year, as specified.*

*This bill would instead authorize the Department of Finance to allocate and charge a fair share of the administrative costs to all funds directly, and would require the department to certify to the Controller the amount determined to be the fair share of the administrative costs due and payable from each fund. This bill would eliminate the requirement that the Controller forward the determination of administrative costs to each state agency, and would require the Controller, upon order of the department, to transfer the amount of administrative costs, or advance for administrative costs, from special and nongovernmental cost funds to the Central Service Cost Recovery Fund or the General Fund. The bill would additionally authorize the Department of Finance to direct the Controller to advance a reasonable amount for administrative costs from a fund at any time during the year, as specified.*

*(7) Existing law requires a state agency if, upon receipt of the statement by the Controller, the state agency does not have funds available for the payment of the administrative costs, to notify the Controller and provide a written request to defer payment of those administrative costs, as specified.*

*This bill would instead require the Controller to notify the Department of Finance if a fund has an insufficient balance for the payment of the administrative costs, for direction by the department on affecting the transfer and its timing, and would make conforming changes.*

*(8) The Financial Information System for California (FISCAL) Act establishes the FISCAL system, a single integrated financial management system for the state. The act establishes the FISCAL Service Center and the FISCAL project office to exist concurrently during the phased implementation of the FISCAL system and requires the FISCAL Service Center, upon full implementation and final acceptance of the FISCAL system, to perform all maintenance and operation of the FISCAL system. The act further establishes a FISCAL Executive Partner who has*

*responsibilities for the functions of the FISCal project office and the FISCal Service Center. The act requires the FISCal project office, subject to the approval of the Department of Finance, to establish and assess fees and a payment schedule for state departments and agencies to use or interface with the system, including fees to recover the costs of the FISCal system.*

*This bill would replace the FISCal Service Center with the Department of FISCal, with specified duties, make conforming changes, and would eliminate the FISCal Executive Partner and establish the Director of FISCal, who would be appointed by, and serve at the pleasure of, the Governor, subject to Senate confirmation. The bill would modify the requirement of the FISCal system to have a state budget transparency component. The bill would locate the department within the Government Operations Agency upon the acceptance of the system by the state, as determined by the Director of Finance. The bill would modify the fees assessed on state departments and agencies to pay for the design, development, and implementation of the system, as specified, and require administrative costs to be allocated and recovered in a specified manner.*

*(9) Existing law authorizes the Controller, until June 30, 2016, to procure, modify, and implement a new human resource management system that meets the needs of a modern state government, known as the 21st Century Project.*

*This bill would extend that authorization for one year, until June 30, 2017.*

*(10) The California Tourism Marketing Act authorizes the establishment of the California Travel and Tourism Commission, as a separate, independent California nonprofit mutual benefit corporation, for the purpose of promoting tourism in California, as specified. The act requires the commission to be composed of the Director of the Governor's Office of Business and Economic Development, who serves as the chairperson, 12 commissioners appointed by the Governor, as specified, and 24 commissioners selected by industry category in a referendum, as specified. The act further requires the commissioners to elect a vice chairperson from the 24 industry selected commissioners and authorizes the director to remove any elected commissioner following a hearing at which the commissioner is found guilty of abuse of office or moral turpitude.*

*This bill would instead require the 12 commissioners who are appointed by the Governor to elect the chairperson and the 24 industry-selected commissioners to elect the vice chairperson.*

*(11) Existing law establishes, within the Government Operations Agency, the California Victim Compensation and Government Claims Board with various duties that include, among others, compensating the victims and derivative victims of specified types of crimes for losses suffered as a result of those crimes and processing certain types of claims against the state. The board is composed of the Secretary of Government Operations, or his or her designee, the Controller, and one member who is appointed by, and serves at the pleasure of, the Governor. Existing law specifies that any reference in statute or regulation to the State Board of Control shall be construed to refer to the California Victim Compensation and Government Claims Board.*

*Existing law establishes, also within the Government Operations Agency, the Department of General Services with various duties providing centralized services for state entities, including, but not limited to, construction and maintenance of state buildings and property, and purchasing, printing, and architectural services.*

*This bill would generally transfer duties relating to government claims and government accounts from the California Victim Compensation and Government Claims Board to the Department of General Services and the Controller, as specified, and make conforming changes. The bill would rename the board the California Victim Compensation Board and make conforming name changes in provisions related to the board's remaining duties regarding the compensation of victims and derivative victims of crimes.*

*The bill would authorize the Department of General Services to assign any matter related to the statutory powers and duties transferred by this bill to the Office of Risk and Insurance Management or to any state office so designated and would require the department to have a seal and to fix that seal to specified documents.*

*(12) Existing law requires that various actions by the Controller affecting state assets be approved by the California Victim Compensation and Government Claims Board. Existing law requires that a decision by a state agency to forgo collection of taxes, licenses, fees, or moneys owed to the state that are \$500 or less be approved by the California Victim Compensation and Government Claims Board, as specified.*

*This bill would remove those requirements to take these actions.*



(13) Existing law requires claimants to pay a fee for filing certain claims against the state. Existing law requires these fees to be deposited into the General Fund and authorizes their appropriation in support of certain items of the budget.

This bill would instead require those fees to be deposited into the Service Revolving Fund and to be only available for the support of the Department of General Services upon appropriation by the Legislature.

(14) Existing law authorizes the California Victim Compensation and Government Claims Board to assess a surcharge to a state entity against which an approval claim was filed in an amount not to exceed 15% of the total approved claim.

This bill would repeal that authorization.

(15) Existing law requires the costs of administering the California employees' annual charitable campaign fund drive be paid by the agency that receives the contributions. Existing law requires these amounts to be deposited into the General Fund.

This bill would instead require these amounts to be deposited into the Service Revolving Fund and to be only available for the support of the Department of General Services upon appropriation by the Legislature.

(16) Under the California Constitution, whenever the Legislature or a state agency mandates a new program or higher level of service on any local government, including school districts, the state is required to provide a subvention of funds to reimburse the local government, with specified exceptions. Existing law establishes a procedure for local governmental agencies to file claims for reimbursement of these costs with the Commission on State Mandates. If the commission determines there are costs mandated by the state, existing law requires the commission to determine the amount to be subvented to local agencies and school districts for reimbursement, and in doing so, to adopt parameters and guidelines for reimbursement of any claims. In adopting the parameters and guidelines, existing law authorizes the commission to adopt a reasonable reimbursement methodology, as specified.

This bill would, until July 1, 2019, require a reasonable reimbursement methodology that is based on, in whole or in part, costs that have been included in claims submitted to the Controller for reimbursement to only use costs that have been audited by the Controller, as provided. The bill would also require the Controller, in coordination with the Commission on State Mandates and Department of Finance, by October 1, 2018, to prepare a report to the Legislature

*regarding implementation of the new reasonable reimbursement process and for the hearings on the report to be held in the appropriate policy committees of the Legislature.*

*(17) The Public Employees' Medical and Hospital Care Act (PEMHCA), which is administered by the Board of Administration of the Public Employees' Retirement System (board), authorizes the board to contract for health benefit plans for employees and annuitants, as defined. Under PEMHCA, the state and contracting agencies, as defined, are required to contribute amounts sufficient to cover the board's administrative costs to a specified account in the Public Employees' Contingency Reserve Fund, expenditure of which is contingent upon approval by the Department of Finance and the Joint Legislative Budget Committee, as specified. Under PEMHCA, moneys from health benefit plans for risk adjustment, reserve moneys from terminated health benefit plans, and self-funded or minimum premium plan premiums are deposited into the Public Employees' Health Care Fund, which is continuously appropriated to pay benefits and claims costs, administrative costs, refunds, and other costs determined by the board.*

*This bill would condition the expenditure for administrative expenses of moneys in the Public Employees' Health Care Fund or the account for administrative expenses in the Public Employees' Contingency Reserve Fund on approval in the annual Budget Act. The bill would also discontinue the authorization for the use of moneys in the Public Employees' Health Care Fund to pay other costs determined by the board.*

*(18) Existing law establishes the Joint Rules Committee and authorizes it to take specified actions as an investigatory committee of the Legislature. Existing law requires the Joint Rules Committee to allocate space in the State Capitol Building Annex, with certain exceptions, in accordance with its determination of the needs of the Legislature, as provided. Existing law vests control of the maintenance and operation of the State Capitol Building Annex in the Department of General Services. Existing law provides for the expenditure of funds for the contingent and joint expenses of the Senate and Assembly under or pursuant to the direction of the Joint Rules Committee.*

*This bill would authorize the Joint Rules Committee to pursue the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex. The bill would require that the work performed pursuant to these provisions be administered and supervised by the*

*Department of General Services, subject to review by the State Public Works Board, pursuant to an agreement with the Joint Rules Committee. The bill would require the Department of General Services to report to the Joint Rules Committee on the scope, budget, delivery method, and schedule for any space to be constructed, restored, rehabilitated, renovated, or reconstructed pursuant to these provisions. The bill would exempt all work performed by the Department of General Services pursuant to these provisions from the State Contract Act. The bill would require that prevailing wages be paid to all workers employed on a project that is subject to these provisions. The bill would declare the intent of the Legislature regarding capitol building annex projects.*

*Existing law authorizes the Director of General Services, if no other agency is specifically authorized and directed, to acquire title to real property in the name of the state whenever the acquisition of real property is authorized or contemplated by law and imposes various duties on the Department of General Services with respect to the maintenance and operation of state buildings and grounds. Existing law, the State Building Construction Act of 1955, provides for the acquisition and construction of public buildings for use by state agencies by the State Public Works Board, subject to authorization by a separate act or appropriation enacted by the Legislature.*

*This bill would establish the State Project Infrastructure Fund and continuously appropriate the moneys in that fund for state projects, as defined, and for the report and work described above with respect to a new state capitol building annex or the existing State Capitol Building Annex. The bill would subject the defined state projects to the approval and administrative oversight by the Department of Finance and the State Public Works Board and would require the State Public Works Board to establish the scope, cost, and delivery method for each state project. The bill would require the Department of Finance, on behalf of the Department of General Services, to provide specified notices to the Joint Legislative Budget Committee, including a notice prior to the establishment of the scope, cost, and delivery method by the State Public Works Board describing the scope, budget, delivery method, expected tenants, and schedule for any space to be constructed or renovated for each state project. The bill would also require the Department of General Services to submit, on a quarterly basis, a report on the status of each state project established by the State Public Works Board to the Joint Legislative Budget Committee and to the chairpersons of the*

*Senate Committee on Budget and Fiscal Review and the Assembly Committee on Budget, as provided.*

*The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared and certify the completion of an environmental impact report, referred to as an EIR, on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA establishes a procedure for the preparation and certification of the record of proceedings upon the filing of an action or proceeding challenging a lead agency's action on the grounds of noncompliance with CEQA.*

*A provision of CEQA requires the Judicial Council to adopt a rule of court establishing procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for a specified entertainment and sports center project, as provided, or the granting of any project approvals that require the actions or proceedings be resolved, within 270 days of certification of the record of proceedings. Existing law also requires the preparation and certification of the administrative record for that project to comply with certain procedures. Existing law requires the draft and final EIR for that project to each include a notice containing specified information relating to required procedures for judicial actions challenging the certification of the EIR or the approval of a project described in the EIR. Existing law requires the lead agency to conduct an informational public workshop and hold a public hearing on the draft EIR, as provided. Existing law prohibits a court from enjoining the construction or operation of specified components of the entertainment and sports center project unless the court makes specified findings.*

*This bill would apply similar provisions to the construction of a state capitol building annex or the restoration, rehabilitation, renovation, or reconstruction of the existing State Capitol Building Annex, as described above.*

*This bill would, upon the direction of the Director of Finance, transfer \$1,300,000,000 from the General Fund to the State Project Infrastructure Fund. The bill would require that \$1,000,000,000 of this money be transferred on or after July 1, 2016, and no later than June 30, 2017, and the remaining \$300,000,000 be transferred on or after July 1, 2017.*

(19) Existing law regulates the employment of minors in the entertainment industry and requires the written consent of the Labor Commissioner for a minor under 16 years of age to take part in certain types of employment. Existing law establishes a program to be administered by the commissioner that enables a minor's parent or guardian, prior to the first employment of a minor performer and under specified conditions, to obtain a temporary permit for the employment of a minor. Existing law requires the commissioner to deposit all fees for temporary permits received into the Entertainment Work Permit Fund, with the funds to be available upon appropriation by the Legislature to pay for the costs of administration of the online temporary minor's entertainment work permit program.

This bill would require those permit fees and certain other revenues to instead be deposited in the Labor Enforcement and Compliance Fund. The bill would abolish the Entertainment Work Permit Fund and transfer moneys in, and assets, liabilities, revenues, expenditures, and encumbrances of, that fund to the Labor Enforcement and Compliance Fund.

(20) Existing law requires farm labor contractors to be licensed by the commissioner and to comply with specified employment laws applicable to farm labor contractors. Existing law requires farm labor contractors to pay license fees to the commissioner and continuously appropriates a portion of the fee revenues for enforcement and verification purposes. Existing law requires specified amounts of a license fee to be deposited in the Farmworker Remedial Account and expended by the commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit, and the remaining money to be credited to the General Fund.

This bill would require the money not used to fund those units to be paid instead into the Labor Enforcement and Compliance Fund and would make a conforming change.

(21) Existing law governs talent agency licensure and establishes specific fees. Existing law requires moneys collected for licenses and fines collected for violations to be paid into the State Treasury and credited to the General Fund.

This bill would instead require that all moneys collected for filing fees and licenses be credited to the Labor Enforcement and Compliance Fund, and that fines collected for violations be credited to the General Fund.

(22) Existing law establishes a Child Performer Services Permit program and requires the commissioner to deposit filing fees into the Child Performer Services Permit Fund (permit fund), the revenues of which are available, upon appropriation by the Legislature, to pay for the costs of administering the program.

This bill would require the fees to be deposited in the Labor Enforcement and Compliance Fund. The bill would abolish the permit fund and transfer any moneys in the permit fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund to the Labor Enforcement and Compliance Fund.

(23) Existing law defines “public works,” for purposes of requirements regarding the payment of prevailing wages for public works projects, to include, among other things, the hauling and delivery of ready-mixed concrete, as defined, to carry out a public works contract, with respect to contracts involving any state agency or any political subdivision of the state. Existing law, also requires the entity hauling or delivering ready-mixed concrete to enter into a written subcontract agreement with, and to provide employee payroll and time records to, the party that engaged that entity within 3 days, as specified. Existing law provides that these provisions apply to public works contracts awarded on or after July 1, 2016.

This bill would extend the time to submit employee payroll records to 5 days. The bill would provide that these provisions do not apply to public works contracts advertised for bid or awarded prior to July 1, 2016.

(24) Existing law regulates various aspects of the car washing and polishing industry and requires the commissioner to collect a \$250 registration fee from employers engaged in the business for each branch location and to periodically adjust the registration fee for inflation to ensure that the fee is sufficient to fund all costs to administer and enforce those provisions. Existing law requires, in addition to that fee, each employer be assessed an annual \$50 fee for each branch location to be deposited in the Car Wash Worker Restitution Fund.

This bill would remove the specific amount for the registration fee and would authorize the periodic adjustment of the fee, except as specified, in an amount sufficient to fund all direct and indirect costs to administer and enforce those provisions. The bill would fix the annual fee for deposit in the Car Wash Worker Restitution Fund in an amount equaling 20% of the registration fee.

(25) Existing law requires a person employing an industrial homemaker to obtain a valid industrial homework license from the Division of Labor Standards Enforcement, and establishes license and renewal fees, to be paid into the State Treasury. Existing law requires a person doing industrial homework to have a valid homemaker's permit issued to him or her by the division and sets the fee at \$25.

This bill would require those fee and permit moneys to be paid into the Labor Enforcement and Compliance Fund.

(26) Existing law, the Labor Code Private Attorneys General Act of 2004, authorizes an aggrieved employee to bring a civil action to recover specified civil penalties, that would otherwise be assessed and collected by the Labor and Workforce Development Agency (agency), on behalf of the employee and other current or former employees for the violation of certain provisions affecting employees. Existing law requires notice of the claim from the aggrieved employee to the agency and to the employer by certified mail. Existing law provides that an employee who prevails in an action under these provisions is entitled to recover his or her reasonable attorney's fees and costs.

This bill would instead require that the notice to the agency be provided online, accompanied by a reasonable filing fee not to exceed a specified amount that would be deposited into the Labor and Workforce Development Fund to cover the administrative costs of processing the notice. The bill would, for cases filed on or after July 1, 2016, extend the timeframe for the agency to notify the employer and employee that it does not intend to investigate the alleged violation. The bill would entitle an employee who prevails in an action under these provisions to also recover his or her filing fees.

This bill would declare the intent of the Legislature that the agency shall continue to assign duties under the Labor Code Private Attorneys General Act of 2004 to entities where those duties are customarily performed.

Existing law provides that the court review and approve any penalties sought as a part of a proposed settlement of a claim.

This bill would require the proposed settlement agreement to be also sent to the agency. This bill would, until July 1, 2021, authorize the agency to extend the time to complete its investigation by 60 days when the agency determines an extension is necessary and issues a notice, as specified.

(27) Existing law requires the Division of Occupational Safety and Health to require a permit for specific types of construction, demolition,

*and work in mines and tunnels, and requires an employer or contractor who engages in certain asbestos-related work to register with the division. Existing law requires the division to set fees for permits in an amount reasonably necessary to cover the costs involved in investigating and issuing such permits.*

*This bill would require the division to set the fees to be charged for permits and registrations in amounts reasonably necessary to cover the costs involved in administering the permitting and registration programs and would require all permit and registration fees collected to be deposited in the Occupational Safety and Health Fund.*

*(28) Existing law governs the design, erection, construction, installation, material alteration, inspection, testing, maintenance, repair, service, and operation of specific conveyances and their associated parts. Existing law establishes certification and licensing programs for inspectors, companies, and mechanics, and for conveyance inspection and permitting programs, with fees established by the Division of Occupational Safety and Health based on prescribed costs to the division.*

*This bill would revise those provisions to require the fees to be based on costs to the division of administering those programs, including direct costs and a reasonable percentage attributable to the indirect costs of the division for administering those provisions.*

*(29) Existing law requires the Division of Occupational Safety and Health to administer a permit and inspection program for aerial passenger tramways. Existing law authorizes the division to fix fees for inspection as it deems necessary to cover the actual cost of having the inspection performed by a division safety engineer. Existing law prohibits the division from charging for inspections performed by certified insurance inspectors, but authorizes a fee of not more than \$10 to cover the cost of processing the permit when issued by the division as a result of the inspection. Fees collected by the division are deposited into the Elevator Safety Account to support the program.*

*This bill would remove the term “aerial” in those provisions and would instead refer only to “passenger tramways.” The bill would require the division to fix and collect fees for inspection of passenger tramways to cover direct costs and a reasonable percentage attributable to the indirect costs of the division for administering those provisions. The bill would remove the cap on the processing fee. The bill would require those fees to be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account, and would transfer specific*



*moneys in the Elevator Safety Account to the Occupational Safety and Health Fund, together with any assets, liabilities, revenues, expenditures, and encumbrances of that fund attributable to the program, the portable amusement ride inspection program, and the Permanent Amusement Ride Safety Inspection Program.*

*(30) Existing law requires the Division of Occupational Safety and Health to administer a permit and inspection program for tower cranes. Existing law requires the division to set fees for permits sufficient to cover prescribed program costs. Existing law authorizes the division to collect fees for the examination and licensing of crane certifiers as necessary to cover actual costs of administration. Fees collected by the division under those provisions are deposited into the General Fund.*

*This bill would require the division to collect those crane certifier fees, would require all the above fees to be set to cover the costs of administering the above provisions, and would authorize the inclusion of direct costs and a reasonable percentage attributable to the indirect costs of the division for administration. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account.*

*(31) Existing law authorizes the establishment and collection of fees by the Division of Occupational Safety and Health for specified services relating to tanks, boilers, and pressure vessels. Under existing law, inspection fees collected are paid into the Pressure Vessel Account.*

*This bill would remove an existing \$15 cap on a permit processing fee, and would require all fees relating to tanks, boilers, and pressure vessels to be in amounts sufficient to cover the division's direct and indirect costs for administering these provisions. The bill would expand the fees paid into the Pressure Vessel Account to include all fees collected under those tank, boiler, and pressure vessel provisions.*

*(32) Existing law, the Amusement Rides Safety Law, authorizes the establishment and collection of fees by the Division of Occupational Safety and Health for inspection and permitting of amusement rides. Fees collected under those provisions are deposited into the Elevator Safety Account. Existing law requires the division to submit an annual report on amusement ride safety to the Division of Fairs and Expositions within the Department of Food and Agriculture (DFA), including route location information submitted by permit applicants.*

*The bill would require the division to set fees relating to amusement rides, initially by emergency regulation, in amounts necessary to cover costs for administering those provisions, and would authorize the*

*inclusion of direct costs and a reasonable percentage attributable to the indirect costs of the division for administration. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account. The bill would require the division to post the amusement ride safety report on its Internet Web site instead of submitting it to the DFA, and would make the inclusion of route location information discretionary.*

*(33) Existing law establishes the Permanent Amusement Ride Safety Inspection Program, which authorizes the Division of Occupational Safety to fix and collect fees to cover the costs of administering the program, and fees collected are deposited in the Elevator Safety Account.*

*This bill would require the division to collect those fees and include direct and reasonable indirect costs for administration. The bill would require the division to impose a penalty equal to 100% of the initial fee if a person owning or having custody, management, or operation of a permanent amusement ride fails to pay any fee required under the program within 60 days after the date of notification by the division. The bill would require that fees be deposited in the Occupational Safety and Health Fund instead of the Elevator Safety Account.*

*(34) Existing law establishes licensing and certification provisions relating to tunnel and mine safety for explosive blasters, gas testers, and safety representatives administered by the Division of Occupational Safety and Health. Those provisions set fees for licensure and renewals. Existing law requires those fees to be deposited in the General Fund.*

*This bill would revise those provisions to require the division to set fees to include direct costs and a reasonable percentage attributable to the indirect costs of the division for administration, and to deposit those fees in the Occupational Safety and Health Fund.*

*(35) Under existing law relating to the certification of asbestos consultants and site surveillance technicians, fees authorized to be collected by the Division of Occupational Safety and Health, as provided, are deposited in accounts within the Asbestos Training and Consultant Certification Fund.*

*This bill would require the division to collect those fees and require that fees be deposited in the Occupational Safety and Health Fund instead of the Asbestos Training and Consultant Certification Fund, which latter fund the bill would abolish.*

*(36) Existing law requires the Division of Occupational Safety and Health to inspect the operation of the rides at a permanent amusement*

*park annually. Existing law requires operators to submit to the division an annual certificate of compliance, including a prescribed declaration by a qualified safety inspector, and to maintain prescribed records and make them available for inspection by the division. Existing law requires the division to conduct an inspection of the operation of the rides in conjunction with an inspection of records.*

*This bill would exempt the division from that requirement to conduct an operational inspection of a ride in conjunction with an inspection of records if a qualified safety inspector employed by the division has already inspected the operation of the ride in connection with the execution of the current annual certificate of compliance.*

*(37) Existing law allows a credit against the taxes imposed under the Corporation Tax Law and the Personal Income Tax Law for each taxable year beginning on or after January 1, 2014, and before January 1, 2025, in an amount as provided in a written agreement between the Governor's Office of Business and Economic Development and the taxpayer, agreed upon by the California Competes Tax Credit Committee, and based on specified factors, including the number of jobs the taxpayer will create or retain in the state and the amount of investment in the state by the taxpayer. Existing law limits the aggregate amount of credits allocated to taxpayers to a specified sum per fiscal year.*

*This bill would authorize the Governor's Office of Business and Economic Development, when determining whether to enter into a written agreement with a taxpayer, to consider additional factors including, but not limited to, the financial solvency of the taxpayer and the taxpayer's compliance with state and federal laws. The bill would also state the legislative intent relating to this bill.*

*(38) Existing law, the Corporation Tax Law, for taxable years beginning on or after January 1, 2015, and before January 1, 2030, allows, with regard to the manufacture of a new advanced strategic aircraft for the United States Air Force, a credit against the taxes imposed under that law in an amount equal to a specified percentage of qualified wages paid or incurred with respect to qualified full-time employees, as multiplied by an annual full-time equivalent ratio, by the qualified taxpayer. Existing law defines a "qualified taxpayer" as a prime contractor or a major first-tier contractor awarded a contract related to the New Advanced Strategic Aircraft Program. The contract was awarded in 2016 to a qualified taxpayer that is a prime contractor,*

*and no other taxpayers are qualified taxpayers, as defined, under that contract.*

*This bill would allow the above-described credit for taxable years beginning on or after January 1, 2016, and before January 1, 2031, as the New Advanced Strategic Aircraft Program contract was awarded in 2016.*

*(39) Existing law, federal Workforce Innovation and Opportunity Act, provides for workforce investment activities, including activities in which states may participate. Existing law provides that the California Workforce Development Board is responsible for assisting the Governor in the development, oversight, and continuous improvement of California's workforce investment system.*

*Existing law requires the Director of Employment Development to permit information in his or her possession to be used for specified purposes, including to assist various state agencies to perform specified duties.*

*This bill would require the director to permit the use of information in his or her possession to enable the California Workforce Development Board, the Chancellor of the California Community Colleges, the Superintendent of Public Instruction, the Department of Rehabilitation, the State Department of Social Services, the Bureau for Private Postsecondary Education, the Department of Industrial Relations, Division of Apprenticeship Standards, and the Employment Training Panel to access any relevant quarterly wage data necessary for the evaluation and reporting of their respective program performance outcomes.*

*(40) Existing law requires the California Workforce Development Board to assist the Governor in developing and updating comprehensive state performance accountability measures to assess the effectiveness of core programs in the state. As part of that process, existing law authorizes the State Department of Education to collect the social security numbers of adults participating in adult education programs so that accurate participation in those programs can be represented. Existing law requires the State Department of Education to keep this information confidential.*

*This bill would authorize the State Department of Education to share the social security numbers of adults participating in adult education programs with the Employment Development Department, and would require the Employment Development Department to keep the*

*information confidential and only use it to track the labor market progress of program participants, as specified.*

*(41) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

*(42) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2016.~~

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 655 of the Business and Professions Code  
2     is amended to read:

3     655. (a) For the purposes of this section, the following terms  
4     have the following meanings:

5     (1) “Health plan” means a health care service plan licensed  
6     pursuant to the Knox-Keene Health Care Service Plan Act of 1975  
7     (Chapter 2.2 (commencing with Section 1340) of Division 2 of  
8     the Health and Safety Code).

9     (2) “Optical company” means a person or entity that is engaged  
10    in the manufacture, sale, or distribution to physicians and surgeons,  
11    optometrists, health plans, or dispensing opticians of lenses, frames,  
12    optical supplies, or optometric appliances or devices or kindred  
13    products.

14    (3) “Optometrist” means a person licensed pursuant to Chapter  
15    7 (commencing with Section 3000) or an optometric corporation,  
16    as described in Section 3160.

17    (4) “Registered dispensing optician” means a person licensed  
18    pursuant to Chapter 5.5 (commencing with Section 2550).

19    (5) “Therapeutic ophthalmic product” means lenses or other  
20    products that provide direct treatment of eye disease or visual  
21    rehabilitation for diseased eyes.

22    (b) No optometrist may have any membership, proprietary  
23    interest, coownership, or any profit-sharing arrangement, either

1 by stock ownership, interlocking directors, trusteeship, mortgage,  
2 or trust deed, with any registered dispensing optician or any optical  
3 company, except as otherwise permitted under this section.

4 (c) (1) A registered dispensing optician or an optical company  
5 may operate, own, or have an ownership interest in a health plan  
6 so long as the health plan does not directly employ optometrists  
7 to provide optometric services directly to enrollees of the health  
8 plan, and may directly or indirectly provide products and services  
9 to the health plan or its contracted providers or enrollees or to other  
10 optometrists. For purposes of this section, an optometrist may be  
11 employed by a health plan as a clinical director for the health plan  
12 pursuant to Section 1367.01 of the Health and Safety Code or to  
13 perform services related to utilization management or quality  
14 assurance or other similar related services that do not require the  
15 optometrist to directly provide health care services to enrollees.  
16 In addition, an optometrist serving as a clinical director may not  
17 employ optometrists to provide health care services to enrollees  
18 of the health plan for which the optometrist is serving as clinical  
19 director. For the purposes of this section, the health plan's  
20 utilization management and quality assurance programs that are  
21 consistent with the Knox-Keene Health Care Service Plan Act of  
22 1975 (Chapter 2.2 (commencing with Section 1340) of Division  
23 2 of the Health and Safety Code) do not constitute providing health  
24 care services to enrollees.

25 (2) The registered dispensing optician or optical company shall  
26 not interfere with the professional judgment of the optometrist.

27 (3) The Department of Managed Health Care shall forward to  
28 the State Board of Optometry any complaints received from  
29 consumers that allege that an optometrist violated the Optometry  
30 Practice Act (Chapter 7 (commencing with Section 3000)). The  
31 Department of Managed Health Care and the State Board of  
32 Optometry shall enter into an Inter-Agency Agreement regarding  
33 the sharing of information related to the services provided by an  
34 optometrist that may be in violation of the Optometry Practice Act  
35 that the Department of Managed Health Care encounters in the  
36 course of the administration of the Knox-Keene Health Care  
37 Service Plan Act of 1975 (Chapter 2.2 (commencing with section  
38 1340) of Division 2 of the Health and Safety ~~Code~~: *Code*).

39 (d) An optometrist, a registered dispensing optician, an optical  
40 company, or a health plan may execute a lease or other written

1 agreement giving rise to a direct or indirect landlord-tenant  
2 relationship with an optometrist, if all of the following conditions  
3 are contained in a written agreement establishing the  
4 landlord-tenant relationship:

5 (1) (A) The practice shall be owned by the optometrist and in  
6 every phase be under the optometrist's exclusive control, including  
7 the selection and supervision of optometric staff, the scheduling  
8 of patients, the amount of time the optometrist spends with patients,  
9 fees charged for optometric products and services, the examination  
10 procedures and treatment provided to patients and the optometrist's  
11 contracting with managed care organizations.

12 (B) Subparagraph ~~A~~ (A) shall not preclude a lease from including  
13 commercially reasonable terms that: (i) require the provision of  
14 optometric services at the leased space during certain days and  
15 hours, (ii) restrict the leased space from being used for the sale or  
16 offer for sale of spectacles, frames, lenses, contact lenses, or other  
17 ophthalmic products, except that the optometrist shall be permitted  
18 to sell therapeutic ophthalmic products if the registered dispensing  
19 optician, health plan, or optical company located on or adjacent  
20 to the optometrist's leased space does not offer any substantially  
21 similar therapeutic ophthalmic products for sale, (iii) require the  
22 optometrist to contract with a health plan network, health plan, or  
23 health insurer, or (iv) permit the landlord to directly or indirectly  
24 provide furnishings and equipment in the leased space.

25 (2) The optometrist's records shall be the sole property of the  
26 optometrist. Only the optometrist and those persons with written  
27 authorization from the optometrist shall have access to the patient  
28 records and the examination room, except as otherwise provided  
29 by law.

30 (3) The optometrist's leased space shall be definite and distinct  
31 from space occupied by other occupants of the premises, have a  
32 sign designating that the leased space is occupied by an  
33 independent optometrist or optometrists and be accessible to the  
34 optometrist after hours or in the case of an emergency, subject to  
35 the facility's general accessibility. This paragraph shall not require  
36 a separate entrance to the optometrist's leased space.

37 (4) All signs and displays shall be separate and distinct from  
38 that of the other occupants and shall have the optometrist's name  
39 and the word "optometrist" prominently displayed in connection  
40 therewith. This paragraph shall not prohibit the optometrist from

1 advertising the optometrist's practice location with reference to  
2 other occupants or prohibit the optometrist or registered dispensing  
3 optician from advertising their participation in any health plan's  
4 network or the health plan's products in which the optometrist or  
5 registered dispensing optician participates.

6 (5) There shall be no signs displayed on any part of the premises  
7 or in any advertising indicating that the optometrist is employed  
8 or controlled by the registered dispensing optician, health plan or  
9 optical company.

10 (6) Except for a statement that an independent doctor of  
11 optometry is located in the leased space, in-store pricing signs and  
12 as otherwise permitted by this subdivision, the registered  
13 dispensing optician or optical company shall not link its advertising  
14 with the optometrist's name, practice, or fees.

15 (7) Notwithstanding paragraphs (4) and (6), this subdivision  
16 shall not preclude a health plan from advertising its health plan  
17 products and associated premium costs and any copayments,  
18 coinsurance, deductibles, or other forms of cost-sharing, or the  
19 names and locations of the health plan's providers, including any  
20 optometrists or registered dispensing opticians that provide  
21 professional services, in compliance with the Knox-Keene Health  
22 Care Service Plan Act of 1975 (Chapter 2.2 (commencing with  
23 Section 1340) of Division 2 of the Health and Safety Code).

24 (8) A health plan that advertises its products and services in  
25 accordance with paragraph (7) shall not advertise the optometrist's  
26 fees for products and services that are not included in the health  
27 plan's contract with the optometrist.

28 (9) The optometrist shall not be precluded from collecting fees  
29 for services that are not included in a health plan's products and  
30 services, subject to any patient disclosure requirements contained  
31 in the health plan's provider agreement with the optometrist or  
32 that are not otherwise prohibited by the Knox-Keene Health Care  
33 Service Plan Act of 1975 (Chapter 2.2 (commencing with Section  
34 1340) of Division 2 of the Health and Safety Code).

35 (10) The term of the lease shall be no less than one year and  
36 shall not require the optometrist to contract exclusively with a  
37 health plan. The optometrist may terminate the lease according to  
38 the terms of the lease. The landlord may terminate the lease for  
39 the following reasons:



1 (A) The optometrist's failure to maintain a license to practice  
2 optometry or the imposition of restrictions, suspension or  
3 revocation of the optometrist's license or if the optometrist or the  
4 optometrist's employee is or becomes ineligible to participate in  
5 state or federal government-funded programs.

6 (B) Termination of any underlying lease where the optometrist  
7 has subleased space, or the optometrist's failure to comply with  
8 the underlying lease provisions that are made applicable to the  
9 optometrist.

10 (C) If the health plan is the landlord, the termination of the  
11 provider agreement between the health plan and the optometrist,  
12 in accordance with the Knox-Keene Health Care Service Plan Act  
13 of 1975 (Chapter 2.2 (commencing with Section 1340) of Division  
14 2 of the Health and Safety Code).

15 (D) Other reasons pursuant to the terms of the lease or permitted  
16 under the Civil Code.

17 (11) The landlord shall act in good faith in terminating the lease  
18 and in no case shall the landlord terminate the lease for reasons  
19 that constitute interference with the practice of optometry.

20 (12) Lease or rent terms and payments shall not be based on  
21 number of eye exams performed, prescriptions written, patient  
22 referrals or the sale or promotion of the products of a registered  
23 dispensing optician or an optical company.

24 (13) The landlord shall not terminate the lease solely because  
25 of a report, complaint, or allegation filed by the optometrist against  
26 the landlord, a registered dispensing optician or a health plan, to  
27 the State Board of Optometry or the Department of Managed  
28 Health Care or any law enforcement or regulatory agency.

29 (14) The landlord shall provide the optometrist with written  
30 notice of the scheduled expiration date of a lease at least 60 days  
31 prior to the scheduled expiration date. This notice obligation shall  
32 not affect the ability of either party to terminate the lease pursuant  
33 to this section. The landlord may not interfere with an outgoing  
34 optometrist's efforts to inform the optometrist's patients, in  
35 accordance with customary practice and professional obligations,  
36 of the relocation of the optometrist's practice.

37 (15) The State Board of Optometry may inspect, upon request,  
38 an individual lease agreement pursuant to its investigational  
39 authority, and if such a request is made, the landlord or tenant, as  
40 applicable, shall promptly comply with the request. Failure or

1 refusal to comply with the request for lease agreements within 30  
2 days of receiving the request constitutes unprofessional conduct  
3 and is grounds for disciplinary action by the appropriate regulatory  
4 agency. ~~Only personal information as defined in Section 1798.3~~  
5 ~~of the Civil Code may be redacted prior to submission of the lease~~  
6 ~~or agreement.~~ This section shall not affect the Department of  
7 Managed Health Care's authority to inspect all books and records  
8 of a health plan pursuant to Section 1381 of the Health and Safety  
9 Code.

10 Any financial information contained in the lease submitted to a  
11 regulatory entity, pursuant to this paragraph, shall be considered  
12 confidential trade secret information that is exempt from disclosure  
13 under the California Public Records Act (Chapter 3.5 (commencing  
14 with Section 6250) of Division 7 of Title 1 of the Government  
15 Code).

16 (16) This subdivision shall not be applicable to the relationship  
17 between any optometrist employee and the employer medical  
18 group, or the relationship between a medical group exclusively  
19 contracted with a health plan regulated by the Department of  
20 Managed Health Care and that health plan.

21 (e) No registered dispensing optician may have any membership,  
22 proprietary interest, coownership, or profit sharing arrangement  
23 either by stock ownership, interlocking directors, trusteeship,  
24 mortgage, or trust deed, with an optometrist, except as permitted  
25 under this section.

26 (f) Nothing in this section shall prohibit a person licensed under  
27 Chapter 5 (commencing with Section 2000) or its professional  
28 corporation from contracting with or employing optometrists,  
29 ophthalmologists, or optometric assistants and entering into a  
30 contract or landlord tenant relationship with a health plan, an  
31 optical company, or a registered dispensing optician, in accordance  
32 with Sections 650 and 654 of this code.

33 (g) Any violation of this section constitutes a misdemeanor as  
34 to such person licensed under Chapter 7 (commencing with Section  
35 3000) of this division and as to any and all persons, whether or  
36 not so licensed under this division, who participate with such  
37 licensed person in a violation of any provision of this section.

38 (h) (1) *Notwithstanding any other law and in addition to any*  
39 *action available to the State Board of Optometry, the State Board*  
40 *of Optometry may issue a citation containing an order of*

1 *abatement, an order to pay an administrative fine, or both, to an*  
2 *optical company, an optometrist, or a registered dispensing*  
3 *optician for a violation of this section. The administrative fine*  
4 *shall not exceed fifty thousand dollars (\$50,000). In assessing the*  
5 *amount of the fine, the board shall give due consideration to all*  
6 *of the following:*

- 7 (A) *The gravity of the violation.*
- 8 (B) *The good faith of the cited person or entity.*
- 9 (C) *The history of previous violations of the same or similar*  
10 *nature.*
- 11 (D) *Evidence that the violation was or was not willful.*
- 12 (E) *The extent to which the cited person or entity has cooperated*  
13 *with the board's investigation.*
- 14 (F) *The extent to which the cited person or entity has mitigated*  
15 *or attempted to mitigate any damage or injury caused by the*  
16 *violation.*

17 (G) *Any other factors as justice may require.*  
18 (2) *A citation or fine assessment issued pursuant to a citation*  
19 *shall inform the cited person or entity that if a hearing is desired*  
20 *to contest the finding of a violation, that hearing shall be requested*  
21 *by written notice to the board within 30 days of the date of issuance*  
22 *of the citation or assessment. If a hearing is not requested pursuant*  
23 *to this section, payment of any fine shall not constitute an*  
24 *admission of the violation charged. Hearings shall be held pursuant*  
25 *to Chapter 5 (commencing with Section 11500) of Part 1 of*  
26 *Division 3 of Title 2 of the Government Code.*

27 (3) *The board shall adopt regulations to implement a system*  
28 *for the issuance of citations, administrative fines, and orders of*  
29 *abatement authorized by this section. The regulations shall include*  
30 *provisions for both of the following:*

- 31 (A) *The issuance of a citation without an administrative fine.*
- 32 (B) *The opportunity for a cited person or entity to have an*  
33 *informal conference with the executive officer of the board in*  
34 *addition to the hearing described in paragraph (2).*

35 (4) *The failure of a licensee to pay a fine within 30 days of the*  
36 *date of assessment, unless the citation is being appealed, may*  
37 *result in disciplinary action being taken by the board. Where a*  
38 *citation is not contested and a fine is not paid, the full amount of*  
39 *the assessed fine shall be added to the fee for renewal of the*

1 license. A license shall not be renewed without payment of the  
2 renewal fee and fine.

3 (5) Notwithstanding any other law, if a fine is paid to satisfy an  
4 assessment based on the finding of a violation, payment of the fine  
5 shall be represented as satisfactory resolution of the matter for  
6 purposes of public disclosure.

7 (i) Administrative fines collected pursuant to this section shall  
8 be deposited in the Dispensing Opticians Fund. It is the intent of  
9 the Legislature that moneys collected as fines and deposited in the  
10 fund be used by the board primarily for enforcement purposes.

11 SEC. 2. Section 2556.1 of the Business and Professions Code  
12 is amended to read:

13 2556.1. All licensed optometrists ~~in a setting with a registered~~  
14 ~~dispensing optician~~ and registered dispensing opticians who are  
15 in a colocated setting shall report the business relationship to the  
16 State Board of Optometry, as determined by the board. The State  
17 Board of Optometry shall have the authority to inspect any  
18 premises at which the business of a registered dispensing optician  
19 ~~is co-located~~ colocated with the practice of an optometrist, for the  
20 purposes of determining compliance with Section 655. The  
21 inspection may include the review of any written lease agreement  
22 between the registered dispensing optician and the optometrist or  
23 between the optometrist and the health plan. Failure to comply  
24 with the inspection or any request for information by the board  
25 may subject the party to disciplinary action. The board shall  
26 provide a copy of its inspection results, if applicable, to the  
27 Department of Managed Health Care.

28 SEC. 3. Section 2556.2 of the Business and Professions Code  
29 is amended to read:

30 2556.2. (a) Notwithstanding any other law, subsequent to the  
31 effective date of this section and until January 1, 2019, any  
32 individual, corporation, or firm operating as a registered dispensing  
33 optician under this chapter before the effective date of this section,  
34 or an employee of such an entity, shall not be subject to any action  
35 for engaging in conduct prohibited by Section 2556 or Section 655  
36 as those sections existed prior to the effective date of this bill,  
37 except that a registrant shall be subject to discipline for duplicating  
38 or changing lenses without a prescription or order from a person  
39 duly licensed to issue the same.

1 (b) Nothing in this section shall be construed to imply or suggest  
2 that a person registered under this chapter is in violation of or in  
3 compliance with the law.

4 (c) This section shall not apply to any business relationships  
5 prohibited by Section 2556 commencing registration or operations  
6 on or after the effective date of this section.

7 (d) Subsequent to the effective date of this section and until  
8 January 1, 2019, nothing in this section shall prohibit an individual,  
9 corporation, or firm operating as a registered dispensing optician  
10 from engaging in a business relationship with an optometrist  
11 licensed pursuant to Chapter 7 (commencing with Section 3000)  
12 before the effective date of this section at locations registered with  
13 the Medical Board of California before the effective date of this  
14 section.

15 (e) This section does not apply to any administrative action  
16 pending, litigation pending, cause for discipline, or cause of action  
17 accruing prior to September 1, 2015.

18 ~~(f) Any health plan, as defined in Section 655, registered~~  
19 ~~dispensing optician or optical company that owns a health plan~~  
20 ~~that employs optometrists, subject to this section, shall~~  
21 ~~report to the State Board of Optometry in writing that (1) comply~~  
22 ~~with the following milestones:~~

23 ~~(1) By January 1, 2017, 15 percent of its locations shall no~~  
24 ~~longer employ an optometrist by January 1, 2017, (2) optometrist.~~

25 ~~(2) By August 1, 2017, 45 percent of its locations shall no longer~~  
26 ~~employ an optometrist by August 1, 2017, and (3) optometrist.~~

27 ~~(3) By January 1, 2019, 100 percent of its locations shall no~~  
28 ~~longer employ an optometrist by January 1, 2019. The board shall~~  
29 ~~provide those reports as soon as it receives them to the director~~  
30 ~~and the Legislature. The report to the Legislature shall be submitted~~  
31 ~~in compliance with Section 9795 of the Government Code.~~  
32 ~~optometrist.~~

33 (g) Any registered dispensing optician or optical company that  
34 owns a health plan that employs optometrists shall report to the  
35 State Board of Optometry in writing as to whether it has met each  
36 of the milestones in subdivision (f) within 30 days of each  
37 milestone. The State Board of Optometry shall provide those  
38 reports as soon as it receives them to the director and the  
39 Legislature. The report to the Legislature shall be submitted in  
40 compliance with Section 9795 of the Government Code.

(h) (1) Notwithstanding any other law and in addition to any action available to the State Board of Optometry, the State Board of Optometry may issue a citation containing an order of abatement, an order to pay an administrative fine, or both, to an optical company, an optometrist, or a registered dispensing optician for a violation of this section. The administrative fine shall not exceed fifty thousand dollars (\$50,000). In assessing the amount of the fine, the board shall give due consideration to all of the following:

(A) The gravity of the violation.

(B) The good faith of the cited person or entity.

(C) The history of previous violations of the same or similar nature.

(D) Evidence that the violation was or was not willful.

(E) The extent to which the cited person or entity has cooperated with the board's investigation.

(F) The extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation.

(G) Any other factors as justice may require.

(2) A citation or fine assessment issued pursuant to a citation shall inform the cited person or entity that if a hearing is desired to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the date of issuance of the citation or assessment. If a hearing is not requested pursuant to this section, payment of any fine shall not constitute an admission of the violation charged. Hearings shall be held pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

(3) The board shall adopt regulations to implement a system for the issuance of citations, administrative fines, and orders of abatement authorized by this section. The regulations shall include provisions for both of the following:

(A) The issuance of a citation without an administrative fine.

(B) The opportunity for a cited person or entity to have an informal conference with the executive officer of the board in addition to the hearing described in paragraph (2).

(4) The failure of a licensee to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action being taken by the board. Where a

1 *citation is not contested and a fine is not paid, the full amount of*  
2 *the assessed fine shall be added to the fee for renewal of the*  
3 *license. A license shall not be renewed without payment of the*  
4 *renewal fee and fine.*

5 *(5) Notwithstanding any other law, if a fine is paid to satisfy an*  
6 *assessment based on the finding of a violation, payment of the fine*  
7 *shall be represented as satisfactory resolution of the matter for*  
8 *purposes of public disclosure.*

9 *(i) Administrative fines collected pursuant to this section shall*  
10 *be deposited in the Dispensing Opticians Fund. It is the intent of*  
11 *the Legislature that moneys collected as fines and deposited in the*  
12 *fund be used by the board primarily for enforcement purposes.*

13 *SEC. 4. Section 3010.5 of the Business and Professions Code*  
14 *is amended to read:*

15 3010.5. (a) There is in the Department of Consumer Affairs  
16 a State Board of Optometry in which the enforcement of this  
17 chapter is vested. The board consists of 11 members, five of whom  
18 shall be public members and one of the nonpublic members shall  
19 be an individual registered as a dispensing-optician- *optician,*  
20 *spectacle lens dispenser, or contact lens dispenser.* The registered  
21 dispensing-optician member shall be registered pursuant to Chapter  
22 5.5. (commencing with Section 2550) and in good standing with  
23 the board.

24 Six members of the board shall constitute a quorum.

25 (b) The board shall, with respect to conducting investigations,  
26 inquiries, and disciplinary actions and proceedings, have the  
27 authority previously vested in the board as created pursuant to  
28 former Section 3010. The board may enforce any disciplinary  
29 actions undertaken by that board.

30 (c) This section shall remain in effect only until January 1, 2018,  
31 and as of that date is repealed, unless a later enacted statute, that  
32 is enacted before January 1, 2018, deletes or extends that date.  
33 Notwithstanding any other law, the repeal of this section renders  
34 the board subject to review by the appropriate policy committees  
35 of the Legislature.

36 (d) *The amendments to this section by the act adding this*  
37 *subdivision shall apply to appointments made on or after January*  
38 *1, 2016.*

39 *SEC. 5. Section 3011 of the Business and Professions Code is*  
40 *amended to read:*

1     3011. (a) Members of the board, except the public members  
2     and the registered dispensing-optician member, shall be appointed  
3     only from persons who are registered optometrists of the State of  
4     California and actually engaged in the practice of optometry at the  
5     time of appointment or who are members of the faculty of a school  
6     of optometry. The public members shall not be a licentiate of the  
7     board or of any other board under this division or of any board  
8     referred to in Sections 1000 and 3600.

9     No person except the registered dispensing-optician member,  
10    including the public members, shall be eligible to membership in  
11    on the board who is a stockholder in or owner of or a member of  
12    the board of trustees of any school of optometry or who shall be  
13    financially interested, directly or indirectly, in any concern  
14    manufacturing or dealing in optical supplies at wholesale.

15    No person shall serve as a member of the board for more than  
16    two consecutive terms.

17    A member of the faculty of a school of optometry may be  
18    appointed to the board; however, no more than two faculty  
19    members of schools of optometry may be on the board at any one  
20    time. Faculty members of the board shall not serve as public  
21    members.

22    (b) *The amendments to this section by the act adding this*  
23    *subdivision shall apply to appointments made on or after January*  
24    *1, 2016.*

25    SEC. 6. *Section 3013 of the Business and Professions Code is*  
26    *amended to read:*

27    3013. (a) Each member of the board shall hold office for a  
28    term of four years, and shall serve until the appointment and  
29    qualification of his or her successor or until one year shall have  
30    elapsed since the expiration of the term for which he or she was  
31    appointed, whichever first occurs.

32    (b) Vacancies occurring shall be filled by appointment for the  
33    unexpired term.

34    (c) The Governor shall appoint three of the public members,  
35    five members qualified as provided in Section 3011, and the  
36    registered dispensing-optician member as provided in Section  
37    3010.5. The Senate Committee on Rules and the Speaker of the  
38    Assembly shall each appoint a public member.

39    (d) No board member serving between January 1, 2000, and  
40    June 1, 2002, inclusive, shall be eligible for reappointment.



(e) For initial appointments made on or after January 1, 2003, one of the public members appointed by the Governor and two of the professional members shall serve terms of one year. One of the public members appointed by the Governor and two of the professional members shall serve terms of three years. The remaining public member appointed by the Governor and the remaining two professional members shall serve terms of four years. The public members appointed by the Senate Committee on Rules and the Speaker of the Assembly shall each serve for a term of four years.

(f) The initial appointment of a registered dispensing-optician optician, spectacle lens dispenser, or contact lens dispenser member shall replace the optometrist member whose term expired on June 1, 2015.

(g) The amendments to this section by the act adding this subdivision shall apply to appointments made on or after January 1, 2016.

SEC. 7. Section 3020 of the Business and Professions Code is amended to read:

3020. (a) There shall be established under the State Board of Optometry a dispensing optician committee to advise and make recommendations to the board regarding the regulation of—a dispensing-opticians opticians, spectacle lens dispensers, and contact lens dispensers, registered pursuant to Chapter 5.5 (commencing with Section 2550). The committee shall consist of five members, two of whom shall be a registered dispensing opticians, optician registered pursuant to Chapter 5.5 (commencing with Section 2550), one of whom shall be a spectacle lens dispenser or contact lens dispenser registered pursuant to Chapter 5.5 (commencing with Section 2550), two of whom shall be public members, and one of whom shall be a member of the board. Initial appointments to the committee shall be made by the board. The board shall stagger the terms of the initial members appointed. The filling of vacancies on the committee shall be made by the board upon recommendations by the committee.

(b) The committee shall be responsible for:

(1) Recommending registration standards and criteria for the registration of dispensing-opticians- opticians, nonresident contact lens sellers, spectacle lens dispensers, and contact lens dispensers.

1 (2) Reviewing of the disciplinary guidelines relating to registered  
2 dispensing ~~opticians~~ *opticians, nonresident contact lens sellers,*  
3 *spectacle lens dispensers, and contact lens dispensers.*

4 (3) Recommending to the board changes or additions to  
5 regulations adopted pursuant to Chapter 5.5 (commencing with  
6 Section 2550).

7 (4) Carrying out and implementing all responsibilities and duties  
8 imposed upon it pursuant to this chapter or as delegated to it by  
9 the board.

10 (c) The committee shall meet at least twice a year and as needed  
11 in order to conduct its business.

12 (d) Recommendations by the committee regarding scope of  
13 practice or regulatory changes or additions shall be approved,  
14 modified, or rejected by the board within 90 days of submission  
15 of the recommendation to the board. If the board rejects or  
16 significantly modifies the intent or scope of the recommendation,  
17 the committee may request that the board provide its reasons in  
18 writing for rejecting or significantly modifying the  
19 recommendation, which shall be provided by the board within 30  
20 days of the request.

21 (e) After the initial appointments by the board pursuant to  
22 subdivision (a), the Governor shall appoint the registered  
23 dispensing optician members and the public members. The  
24 committee shall submit a recommendation to the board regarding  
25 which board member should be appointed to serve on the  
26 committee, and the board shall appoint the member to serve.  
27 Committee members shall serve a term of four years except for  
28 the initial staggered terms. A member may be reappointed, but no  
29 person shall serve as a member of the committee for more than  
30 two consecutive terms.

31 (f) *The amendments to this section by the act adding this*  
32 *subdivision apply as of January 1, 2016.*

33 *SEC. 8. Section 846.1 of the Civil Code is amended to read:*

34 846.1. (a) Except as provided in subdivision (c), an owner of  
35 any estate or interest in real property, whether possessory or  
36 nonpossessory, who gives permission to the public for entry on or  
37 use of the real property pursuant to an agreement with a public or  
38 nonprofit agency for purposes of recreational trail use, and is a  
39 defendant in a civil action brought by, or on behalf of, a person  
40 who is allegedly injured or allegedly suffers damages on the real

1 property, may present a claim to the ~~California Victim~~  
2 ~~Compensation and Government Claims Board~~ *Department of*  
3 *General Services* for reasonable attorney's fees incurred in this  
4 civil action if any of the following occurs:

5 (1) The court has dismissed the civil action upon a demurrer or  
6 motion for summary judgment made by the owner or upon its own  
7 motion for lack of prosecution.

8 (2) The action was dismissed by the plaintiff without any  
9 payment from the owner.

10 (3) The owner prevails in the civil action.

11 (b) Except as provided in subdivision (c), a public entity, as  
12 defined in Section 831.5 of the Government Code, that gives  
13 permission to the public for entry on or use of real property for a  
14 recreational purpose, as defined in Section 846, and is a defendant  
15 in a civil action brought by, or on behalf of, a person who is  
16 allegedly injured or allegedly suffers damages on the real property,  
17 may present a claim to the ~~California Victim Compensation and~~  
18 ~~Government Claims Board~~ *Department of General Services* for  
19 reasonable attorney's fees incurred in this civil action if any of the  
20 following occurs:

21 (1) The court has dismissed the civil action upon a demurrer or  
22 motion for summary judgment made by this public entity or upon  
23 its own motion for lack of prosecution.

24 (2) The action was dismissed by the plaintiff without any  
25 payment from the public entity.

26 (3) The public entity prevails in the civil action.

27 (c) An owner of any estate or interest in real property, whether  
28 possessory or nonpossessory, or a public entity, as defined in  
29 Section 831.5 of the Government Code, that gives permission to  
30 the public for entry on, or use of, the real property for a recreational  
31 purpose, as defined in Section 846, pursuant to an agreement with  
32 a public or nonprofit agency, and is a defendant in a civil action  
33 brought by, or on behalf of, a person who seeks to restrict, prevent,  
34 or delay public use of that property, may present a claim to the  
35 ~~California Victim Compensation and Government Claims Board~~  
36 *Department of General Services* for reasonable attorney's fees  
37 incurred in the civil action if any of the following occurs:

38 (1) The court has dismissed the civil action upon a demurrer or  
39 motion for summary judgment made by the owner or public entity  
40 or upon its own motion for lack of prosecution.

1 (2) The action was dismissed by the plaintiff without any  
2 payment from the owner or public entity.

3 (3) The owner or public entity prevails in the civil action.

4 (d) ~~The California Victim Compensation and Government~~  
5 ~~Claims Board~~ *Department of General Services* shall allow the  
6 claim if the requirements of this section are met. The claim shall  
7 be paid from an appropriation to be made for that purpose.  
8 Reasonable attorney's fees, for purposes of this section, may not  
9 exceed an hourly rate greater than the rate charged by the Attorney  
10 General at the time the award is made, and may not exceed an  
11 aggregate amount of twenty-five thousand dollars (\$25,000). This  
12 subdivision shall not apply if a public entity has provided for the  
13 defense of this civil action pursuant to Section 995 of the  
14 Government Code. This subdivision shall also not apply if an  
15 owner or public entity has been provided a legal defense by the  
16 state pursuant to any contract or other legal obligation.

17 (e) The total of claims allowed by the ~~board~~ *Department of*  
18 *General Services* pursuant to this section shall not exceed two  
19 hundred thousand dollars (\$200,000) per fiscal year.

20 *SEC. 9. Section 1789.37 of the Civil Code is amended to read:*

21 1789.37. (a) Every owner of a check casher's business shall  
22 obtain a permit from the Department of Justice to conduct a check  
23 casher's business.

24 (b) All applications for a permit to conduct a check casher's  
25 business shall be filed with the department in writing, signed by  
26 the applicant, if an individual, or by a member or officer authorized  
27 to sign, if the applicant is a corporation or other entity, and shall  
28 state the name of the business, the type of business engaged in,  
29 and the business address. Each applicant shall be fingerprinted.

30 (c) Each applicant for a permit to conduct a check casher's  
31 business shall pay a fee not to exceed the cost of processing the  
32 application, fingerprinting the applicant, and checking or obtaining  
33 the criminal record of the applicant, at the time of filing the  
34 application.

35 (d) Each applicant shall annually, beginning one year from the  
36 date of issuance of a check casher's permit, file an application for  
37 renewal of the permit with the department, along with payment of  
38 a renewal fee not to exceed the cost of processing the application  
39 for renewal and checking or obtaining the criminal record of the  
40 applicant.

1 (e) The department shall deny an application for a permit to  
2 conduct a check casher's business, or for renewal of a permit, if  
3 the applicant has a felony conviction involving dishonesty, fraud,  
4 or deceit, if the crime is substantially related to the qualifications,  
5 functions, or duties of a person engaged in the business of check  
6 cashing.

7 (f) The department shall adopt regulations to implement this  
8 section and shall determine the amount of the application fees  
9 required by this section. The department shall prescribe forms for  
10 the applications and permit required by this section, which shall  
11 be uniform throughout the state.

12 (g) In any action brought by a city attorney or district attorney  
13 to enforce a violation of this section, an owner of a check casher's  
14 business who engages in the business of check cashing without  
15 holding a current and valid permit issued by the department  
16 pursuant to this section is subject to a civil penalty, as follows:

17 (1) For the first offense, not more than one thousand dollars  
18 (\$1,000).

19 (2) For the second offense, not more than five thousand dollars  
20 (\$5,000).

21 (h) Any person who has twice been found in violation of  
22 subdivision (g) and who, within 10 years of the date of the first  
23 offense, engages in the business of check cashing without holding  
24 a current and valid permit issued by the department pursuant to  
25 this section is guilty of a misdemeanor punishable by imprisonment  
26 in a county jail not exceeding six months, or by a fine not  
27 exceeding five thousand dollars (\$5,000), or by both that fine and  
28 imprisonment.

29 (i) All civil penalties, forfeited bail, or fines received by any  
30 court pursuant to this section shall, as soon as practicable after the  
31 receipt thereof, be deposited with the county treasurer of the county  
32 in which the court is situated. Fines and forfeitures deposited shall  
33 be disbursed pursuant to the Penal Code. Civil penalties deposited  
34 shall be paid at least once a month as follows:

35 (1) Fifty percent to the Treasurer by warrant of the county  
36 auditor drawn upon the requisition of the clerk or judge of the  
37 court, to be deposited in the State Treasury on order of the  
38 Controller.

39 (2) Fifty percent to the city treasurer of the city, if the offense  
40 occurred in a city, otherwise to the treasurer of the county in which

1 the prosecution is conducted. Any money deposited in the State  
2 Treasury under this section that is determined by the Controller to  
3 have been erroneously deposited shall be refunded, subject to  
4 approval of the California Victim Compensation and Government  
5 Claims Board prior to the payment of the refund, refunded out of  
6 any money in the State Treasury that is available by law for that  
7 purpose.

8 (j) This section shall become operative December 31, 2004.

9 *SEC. 10. Section 77 of the Code of Civil Procedure is amended*  
10 *to read:*

11 77. (a) In every county and city and county, there is an  
12 appellate division of the superior court consisting of three judges  
13 or, when the Chief Justice finds it necessary, four judges.

14 The Chief Justice shall assign judges to the appellate division  
15 for specified terms pursuant to rules, not inconsistent with statute,  
16 adopted by the Judicial Council to promote the independence and  
17 quality of each appellate division. Each judge assigned to the  
18 appellate division of a superior court shall be a judge of that court,  
19 a judge of the superior court of another county, or a judge retired  
20 from the superior court or a court of higher jurisdiction in this  
21 state.

22 The Chief Justice shall designate one of the judges of each  
23 appellate division as the presiding judge of the division.

24 (b) In each appellate division, no more than three judges shall  
25 participate in a hearing or decision. The presiding judge of the  
26 division shall designate the three judges who shall participate.

27 (c) In addition to their other duties, the judges designated as  
28 members of the appellate division of the superior court shall serve  
29 for the period specified in the order of designation. Whenever a  
30 judge is designated to serve in the appellate division of the superior  
31 court of a county other than the county in which that judge was  
32 elected or appointed as a superior court judge, or if the judge is  
33 retired, in a county other than the county in which the judge resides,  
34 the judge shall receive expenses for travel, board, and lodging. If  
35 the judge is out of the judge's county overnight or longer, by reason  
36 of the designation, that judge shall be paid a per diem allowance  
37 in lieu of expenses for board and lodging in the same amounts as  
38 are payable for those purposes to justices of the Supreme Court  
39 under the rules of the ~~California Victim Compensation and~~  
40 ~~Government Claims Board~~. *Department of General Services*. In

1 addition, a retired judge shall receive for the time so served,  
2 amounts equal to that which the judge would have received if the  
3 judge had been assigned to the superior court of the county.

4 (d) The concurrence of two judges of the appellate division of  
5 the superior court shall be necessary to render the decision in every  
6 case in, and to transact any other business except business that  
7 may be done at chambers by the presiding judge of, the division.  
8 A judgment of the appellate division in an appeal shall contain a  
9 brief statement of the reasons for the judgment. A judgment stating  
10 only “affirmed” or “reversed” is insufficient. The presiding judge  
11 shall convene the appellate division when necessary. The presiding  
12 judge shall also supervise its business and transact any business  
13 that may be done at chambers.

14 (e) The appellate division of the superior court has jurisdiction  
15 on appeal in all cases in which an appeal may be taken to the  
16 superior court or the appellate division of the superior court as  
17 provided by law, except where the appeal is a retrial in the superior  
18 court.

19 (f) The powers of each appellate division shall be the same as  
20 are now or may hereafter be provided by law or rule of the Judicial  
21 Council relating to appeals to the appellate division of the superior  
22 courts.

23 (g) The Judicial Council shall promulgate rules, not inconsistent  
24 with law, to promote the independence of, and govern the practice  
25 and procedure and the disposition of the business of, the appellate  
26 division.

27 (h) Notwithstanding subdivisions (b) and (d), appeals from  
28 convictions of traffic infractions may be heard and decided by one  
29 judge of the appellate division of the superior court.

30 *SEC. 11. Section 1345 of the Code of Civil Procedure is*  
31 *amended to read:*

32 1345. If any person has erroneously delivered any unclaimed  
33 moneys or other unclaimed property to the state or any officer or  
34 employee thereof, and the moneys or other property is deposited  
35 in the Unclaimed Property Fund or is held by the Controller or  
36 Treasurer in the name of any account in that fund pursuant to this  
37 title, the moneys or other property delivered in error may be  
38 refunded or returned to that person on order of the ~~Controller, with~~  
39 ~~the approval of the California Victim Compensation and~~  
40 ~~Government Claims Board.~~ *Controller.*

1     *SEC. 12. Section 1346 of the Code of Civil Procedure is*  
2     *amended to read:*

3     1346. If any person has erroneously delivered any unclaimed  
4     moneys or other unclaimed property to the state or any officer or  
5     employee thereof, and the moneys or other property is deposited  
6     in, or transferred to, the General Fund, or is held by the Controller  
7     or Treasurer in the name of that fund, pursuant to this title, the  
8     moneys or other property delivered in error, if cash, shall on order  
9     of the Controller, be transferred from the General Fund to the  
10    Unclaimed Property Fund, and, if other than cash, the records of  
11    the Controller and Treasurer shall be adjusted to show that it is  
12    held in the name of the proper account in the Unclaimed Property  
13    Fund; and the moneys or other property may be refunded or  
14    returned to that person on order of the ~~Controller, with the approval~~  
15    ~~of the California Victim Compensation and Government Claims~~  
16    ~~Board.~~ *Controller.*

17    *SEC. 13. Section 1370 of the Code of Civil Procedure is*  
18    *amended to read:*

19    1370. ~~The Controller, with the prior approval of the California~~  
20    ~~Victim Compensation and Government Claims Board,~~ *Controller*  
21    may sell or lease personal property at any time, and in any manner,  
22    and may execute those leases on behalf and in the name of the  
23    State of California.

24    *SEC. 14. Section 1371 of the Code of Civil Procedure is*  
25    *amended to read:*

26    1371. ~~The Controller, with the prior approval of the California~~  
27    ~~Victim Compensation and Government Claims Board,~~ *Controller*  
28    may sell, cash, redeem, exchange, or otherwise dispose of any  
29    securities and all other classes of personal property, and may sell,  
30    cash, redeem, exchange, compromise, adjust, settle, or otherwise  
31    dispose of any accounts, debts, contractual rights, or other choses  
32    in action if, in his or her opinion, that action on his or her part is  
33    necessary or will tend to safeguard and conserve the interests of  
34    all parties, including the state, having any vested or expectant  
35    interest in the property.

36    *SEC. 15. Section 1375 of the Code of Civil Procedure is*  
37    *amended to read:*

38    1375. ~~With the approval of the California Victim Compensation~~  
39    ~~and Government Claims Board, any~~ *Any* real property may be sold  
40    or leased by the Controller at private sale without published notice.



1     *SEC. 16. Section 1379 of the Code of Civil Procedure is*  
2     *amended to read:*

3     1379. ~~With the prior approval of the California Victim~~  
4     ~~Compensation and Government Claims Board, the~~ *The* Controller  
5     may destroy or otherwise dispose of any personal property other  
6     than cash deposited in the State Treasury under this title, if that  
7     property is determined by him or her to be valueless or of such  
8     little value that the costs of conducting a sale would probably  
9     exceed the amount that would be realized from the sale, and neither  
10    the Treasurer nor Controller shall be held to respond in damages  
11    at the suit of any person claiming loss by reason of that destruction  
12    or disposition.

13    *SEC. 17. Section 1563 of the Code of Civil Procedure is*  
14    *amended to read:*

15    1563. (a) Except as provided in subdivisions (b) and (c), all  
16    escheated property delivered to the Controller under this chapter  
17    shall be sold by the Controller to the highest bidder at public sale  
18    in whatever city in the state affords in his or her judgment the most  
19    favorable market for the property involved, or the Controller may  
20    conduct the sale by electronic media, including, but not limited  
21    to, the Internet, if in his or her judgment it is cost effective to  
22    conduct the sale of the property involved in that manner. However,  
23    no sale shall be made pursuant to this subdivision until 18 months  
24    after the final date for filing the report required by Section 1530.  
25    The Controller may decline the highest bid and reoffer the property  
26    for sale if he or she considers the price bid insufficient. The  
27    Controller need not offer any property for sale if, in his or her  
28    opinion, the probable cost of sale exceeds the value of the property.  
29    Any sale of escheated property held under this section shall be  
30    preceded by a single publication of notice thereof, at least one  
31    week in advance of sale, in an English language newspaper of  
32    general circulation in the county where the property is to be sold.

33    (b) Securities listed on an established stock exchange shall be  
34    sold at the prevailing prices on that exchange. Other securities may  
35    be sold over the counter at prevailing prices ~~or, with prior approval~~  
36    ~~of the California Victim Compensation and Government Claims~~  
37    ~~Board, or~~ by any other method that the Controller may determine  
38    to be advisable. These securities shall be sold by the Controller no  
39    sooner than 18 months, but no later than 20 months, after the final  
40    date for filing the report required by Section 1530. If securities

delivered to the Controller by a holder of the securities remain in the custody of the Controller, a person making a valid claim for those securities under this chapter shall be entitled to receive the securities from the Controller. If the securities have been sold, the person shall be entitled to receive the net proceeds received by the Controller from the sale of the securities. United States government savings bonds and United States war bonds shall be presented to the United States for payment. Subdivision (a) does not apply to the property described in this subdivision.

(c) (1) All escheated property consisting of military awards, decorations, equipment, artifacts, memorabilia, documents, photographs, films, literature, and any other item relating to the military history of California and Californians that is delivered to the Controller is exempt from subdivision (a) and may, at the discretion of the Controller, be held in trust for the Controller at the California State Military Museum and Resource Center, or successor entity. All escheated property held in trust pursuant to this subdivision is subject to the applicable regulations of the United States Army governing Army museum activities as described in Section 179 of the Military and Veterans Code. Any person claiming an interest in the escheated property may file a claim to the property pursuant to Article 4 (commencing with Section 1540).

(2) The California State Military Museum and Resource Center, or successor entity, shall be responsible for the costs of storage and maintenance of escheated property delivered by the Controller under this subdivision.

(d) The purchaser at any sale conducted by the Controller pursuant to this chapter shall receive title to the property purchased, free from all claims of the owner or prior holder thereof and of all persons claiming through or under them. The Controller shall execute all documents necessary to complete the transfer of title.

*SEC. 18. Section 12117 of the Education Code is amended to read:*

12117. (a) The State Agency for Donated Food Distribution may, without at the time furnishing vouchers or itemized statements, draw from the Donated Food Revolving Fund for use as a departmental revolving fund either of the following:

(1) A sum not to exceed thirty thousand dollars (\$30,000).

1 (2) With the approval of the Department of Finance, a sum in  
2 excess of thirty thousand dollars (\$30,000).

3 (b) Any moneys withdrawn pursuant to subdivision (a) may  
4 only be used, in accordance with law and the ~~California Victim~~  
5 ~~Compensation and Government Claims Board~~ *Department of*  
6 *General Services* rules, for payment of compensation earned,  
7 traveling expense, traveling expense advances, or where immediate  
8 payment is otherwise necessary. All disbursements from the  
9 revolving fund shall be substantiated by vouchers filed with and  
10 audited by the Controller. From time to time, disbursements,  
11 supported by vouchers, may be reported to the Controller in  
12 connection with claims for reimbursement of the departmental  
13 revolving fund. At any time upon the demand of the Department  
14 of Finance or the Controller, the revolving fund shall be accounted  
15 for and substantiated by vouchers and itemized statements  
16 submitted to and audited by the Controller.

17 *SEC. 19. Section 17295 of the Education Code is amended to*  
18 *read:*

19 17295. (a) (1) The Department of General Services shall pass  
20 upon and approve or reject all plans for the construction or, if the  
21 estimated cost exceeds ~~twenty-five~~ *one hundred* thousand dollars  
22 ~~(\$25,000); (\$100,000)~~, the alteration of any school building.

23 (2) To enable the Department of General Services to pass upon  
24 and approve plans pursuant to this subdivision, the governing board  
25 of each school district and any other school authority before  
26 adopting any plans for the school building shall submit the plans  
27 to the Department of General Services for approval, and shall pay  
28 the fees prescribed in this article.

29 (b) Notwithstanding subdivision ~~(a) of Section 17295, (a)~~, where  
30 the estimated cost of the reconstruction or alteration of, or an  
31 addition to, any school building exceeds ~~twenty-five~~ *one hundred*  
32 ~~thousand dollars (\$25,000) (\$100,000)~~, but does not exceed ~~one~~  
33 ~~two hundred~~ *twenty-five* thousand dollars ~~(\$100,000); (\$225,000)~~,  
34 a licensed structural engineer shall examine the proposed project  
35 to determine if it is a nonstructural alteration or a structural  
36 alteration. If he or she determines that the project is a nonstructural  
37 alteration, he or she shall prepare a statement so indicating. If he  
38 or she determines that the project is structural, he or she shall  
39 prepare plans and specifications for the project which shall be  
40 submitted to the Department of General Services for review and

1 approval. A copy of the engineer's report stating that the work  
2 does not affect structural elements shall be filed with the  
3 Department of General Services.

4 (c) If a licensed structural engineer submits a report to the  
5 Department of General Services stating that the plans or activities  
6 authorized pursuant to subdivision (b) do not involve structural  
7 elements, then all of the following shall apply to that project:

8 (1) The design professional in responsible charge of the project  
9 undertaken pursuant to this subdivision shall certify that the plans  
10 and specifications for the project meet any applicable fire and life  
11 safety standards, and do not affect the disabled access requirements  
12 of Section 4450 of the Government Code, and shall submit this  
13 certification to the ~~department~~ *Department of General Services*.  
14 The letter of certification shall bear the identifying licensing stamp  
15 or seal of the design professional. This ~~provision~~ *paragraph* does  
16 not preclude a design professional from submitting plans and  
17 specifications to the ~~department~~ *Department of General Services*  
18 along with the appropriate fee for review.

19 (2) Within 10 days of the completion of any project authorized  
20 pursuant to subdivision (b), the school construction inspector of  
21 record on the project, who is certified by the ~~department~~  
22 *Department of General Services* to inspect school buildings, shall  
23 certify in writing to the ~~department~~ *Department of General Services*  
24 that the reconstruction, alteration, or addition has been completed  
25 in compliance with the plans and specifications.

26 (3) The dollar amounts cited in this section shall be increased  
27 on an annual basis, commencing January 1, ~~1999~~ *2018*, by the  
28 ~~department~~ *Department of General Services* according to an  
29 inflationary index governing construction costs that is selected and  
30 recognized by the ~~department~~ *Department of General Services*.

31 (4) No school district shall subdivide a project for the purpose  
32 of evading the limitation on amounts cited in this section.

33 (d) For purposes of this section, "design professional in  
34 responsible charge" or "design professional" means the licensed  
35 architect, licensed structural engineer, or licensed civil engineer  
36 who is responsible for the completion of the design work involved  
37 with the project.

38 SEC. 20. Section 24618 of the Education Code is amended to  
39 read:

24618. Losses or gains resulting from overpayment or underpayment of contributions or other amounts under this part within the limits set by the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* for automatic writeoff, and losses or gains in greater amounts specifically approved for writeoffs by the ~~California Victim Compensation and Government Claims Board~~, *Department of General Services*, shall be debited or credited, as the case may be, to the appropriate reserve in the retirement fund.

*SEC. 21. Section 68121 of the Education Code is amended to read:*

68121. (a) Notwithstanding any other provision of law, no mandatory systemwide fees or tuition of any kind shall be required or collected by the Regents of the University of California or the Trustees of the California State University, from a student who is in an undergraduate program and who is the surviving dependent of any individual killed in the September 11, 2001, terrorist attacks on the World Trade Center in New York City, the Pentagon building in Washington, DC, or the crash of United Airlines Flight 93 in southwestern Pennsylvania, if he or she meets the financial need requirements set forth in Section 69432.7 for the Cal Grant A Program and either of the following apply:

(1) The surviving dependent was a resident of California on September 11, 2001.

(2) The individual killed in the attacks was a resident of California on September 11, 2001.

(b) (1) The ~~California Victim Compensation and Government Claims Board~~ shall identify all persons who are eligible for tuition and fee waivers pursuant to this section or subdivision (j) of Section 76300. That board shall notify these persons or, in the case of minors, the parents or guardians of these persons, of their eligibility for tuition and fee waivers under these provisions. This notification shall be in writing, and shall be received by all of the appropriate persons no later than July 1, 2003.

(2) The Trustees of the California State University, the Regents of the University of California and the governing board of each community college district in the state shall waive tuition and fees, as specified in this section and in subdivision (j) of Section 76300, for any person who can demonstrate eligibility. If requested by the California State University, the University of California,

1 Hastings College of the Law, or a California Community College,  
2 the California Victim Compensation-~~and Government Claims~~  
3 Board, on a case-by-case basis, shall confirm the eligibility of  
4 persons requesting the waiver of tuition and fees, as provided for  
5 in this section.

6 (c) A determination of whether a person is a resident of  
7 California on September 11, 2001, shall be based on the criteria  
8 set forth in this chapter for determining nonresident and resident  
9 tuition.

10 (d) (1) “Dependent,” for purposes of this section, is a person  
11 who, because of his or her relationship to an individual killed as  
12 a result of injuries sustained during the terrorist attacks of  
13 September 11, 2001, qualifies for compensation under the federal  
14 September 11th Victim Compensation Fund of 2001 (Title IV  
15 (commencing with Section 401) of Public Law 107-42).

16 (2) A dependent who is the surviving spouse of an individual  
17 killed in the terrorist attacks of September 11, 2001, is entitled to  
18 the waivers provided in this section until January 1, 2013.

19 (3) A dependent who is the surviving child, natural or adopted,  
20 of an individual killed in the terrorist attacks of September 11,  
21 2001, is entitled to the waivers under this section until that person  
22 obtains the age of 30 years.

23 (4) A dependent of an individual killed in the terrorist attacks  
24 of September 11, 2001, who is determined to be eligible by the  
25 California Victim Compensation-~~and Government Claims~~ Board,  
26 is also entitled to the waivers provided in this section until January  
27 1, 2013.

28 *SEC. 22. Section 70010.1 of the Education Code is amended*  
29 *to read:*

30 70010.1. As used in this article:

31 (a) “Board” means the Scholarshare Investment Board  
32 established pursuant to Section 69984.

33 (b) “California resident” means a person who would not be  
34 required to pay nonresident tuition under Chapter 1 (commencing  
35 with Section 68000) of Part 41.

36 (c) “Dependent” means a person identified by the California  
37 Victim Compensation-~~and Government Claims~~ Board because of  
38 his or her relationship to a California resident killed as a result of  
39 injuries sustained during the terrorist attacks of September 11,  
40 2001.

1 (d) “Fund” means the California Memorial Scholarship Fund  
2 established pursuant to Section 5066 of the Vehicle Code.

3 (e) “Institution of higher education” has the same meaning as  
4 “eligible educational institution,” as defined in paragraph (5) of  
5 subsection (e) of Section 529 of the Internal Revenue Code of  
6 1986, as amended by Section 211 of the Taxpayer Relief Act of  
7 1997 (Public Law 105-34).

8 (f) “Participant” means a surviving dependent of a California  
9 resident killed as a result of injuries sustained during the terrorist  
10 attacks of September 11, 2001, who has executed, or on whose  
11 behalf has been executed, an agreement pursuant to Section 70011.

12 (g) “Program” means the California Memorial Scholarship  
13 Program established pursuant to Section 70010.

14 (h) “Scholarship” means a participant’s account as established  
15 by the board with moneys deposited in the fund.

16 *SEC. 23. Section 70010.5 of the Education Code is amended*  
17 *to read:*

18 70010.5. (a) The California Victim Compensation—~~and~~  
19 ~~Government Claims~~ Board shall identify, and confirm by  
20 documentation, all persons who are eligible for scholarships under  
21 the program. The California Victim Compensation—~~and Government~~  
22 ~~Claims~~ Board shall use various methods to identify those persons,  
23 including, but not limited to, all of the following:

24 (1) Media outreach, including, but not limited to, social media,  
25 that explains the details of the program, who is eligible for  
26 scholarships under the program, and how to sign up for further  
27 notifications regarding the program.

28 (2) Written notification to persons, or in the case of minors,  
29 their parents or guardians, who have previously been identified as  
30 eligible for scholarships under the program, and their known family  
31 members. The notification shall explain that the program has been  
32 reopened, and that the California Victim Compensation—~~and~~  
33 ~~Government Claims~~ Board is seeking information regarding other  
34 persons who may be eligible for the program, and shall provide  
35 instructions on how to sign up for further notifications regarding  
36 the program.

37 (3) Communication with the Special Master of the federal  
38 September 11th Victim Compensation Fund to determine if  
39 additional victims who were California residents have been  
40 identified.

(b) After creating a new list of eligible persons for the program, the California Victim Compensation and Government Claims Board shall notify these persons or, in the case of minors, the parents or guardians of these persons, of their eligibility for scholarships under the program.

(1) The notification shall be in writing.

(2) The notification shall provide details on the program and how to apply for scholarships under the program.

(3) The notification shall be received by all of the appropriate persons no later than July 1, 2015.

(c) The Scholarshare Investment Board shall service scholarships pursuant to this article only for individuals determined to be eligible by the California Victim Compensation and Government Claims Board.

(d) Eligible persons, or in the case of minors, the parents or guardians of these persons, shall inform the Scholarshare Investment Board of their decision on whether to participate in the program in a timely manner. Eligible persons, or in the case of minors, the parents or guardians of these persons, who are to become participants in the program shall execute agreements pursuant to Section 70011 no later than July 1, 2016.

*SEC. 24. Section 76300 of the Education Code is amended to read:*

76300. (a) The governing board of each community college district shall charge each student a fee pursuant to this section.

(b) (1) The fee prescribed by this section shall be forty-six dollars (\$46) per unit per semester, effective with the summer term of the 2012 calendar year.

(2) The board of governors shall proportionately adjust the amount of the fee for term lengths based upon a quarter system, and also shall proportionately adjust the amount of the fee for summer sessions, intersessions, and other short-term courses. In making these adjustments, the board of governors may round the per unit fee and the per term or per session fee to the nearest dollar.

(c) For the purposes of computing apportionments to community college districts pursuant to Section 84750.5, the board of governors shall subtract, from the total revenue owed to each district, 98 percent of the revenues received by districts from charging a fee pursuant to this section.



1 (d) The board of governors shall reduce apportionments by up  
2 to 10 percent to any district that does not collect the fees prescribed  
3 by this section.

4 (e) The fee requirement does not apply to any of the following:

5 (1) Students enrolled in the noncredit courses designated by  
6 Section 84757.

7 (2) California State University or University of California  
8 students enrolled in remedial classes provided by a community  
9 college district on a campus of the University of California or a  
10 campus of the California State University, for whom the district  
11 claims an attendance apportionment pursuant to an agreement  
12 between the district and the California State University or the  
13 University of California.

14 (3) Students enrolled in credit contract education courses  
15 pursuant to Section 78021, if the entire cost of the course, including  
16 administrative costs, is paid by the public or private agency,  
17 corporation, or association with which the district is contracting  
18 and if these students are not included in the calculation of the  
19 full-time equivalent students (FTES) of that district.

20 (f) The governing board of a community college district may  
21 exempt special part-time students admitted pursuant to Section  
22 76001 from the fee requirement.

23 (g) (1) The fee requirements of this section shall be waived for  
24 any student who meets all of the following requirements:

25 (A) Meets minimum academic and progress standards adopted  
26 by the board of governors, which fulfill the requirements outlined  
27 in this paragraph and paragraphs (2) to (5), inclusive. Any  
28 minimum academic and progress standards adopted pursuant to  
29 this section shall be uniform across all community college districts  
30 and campuses. These standards shall not include a maximum unit  
31 cap, and community college districts and colleges shall not impose  
32 requirements for fee waiver eligibility other than the minimum  
33 academic and progress standards adopted by the board of governors  
34 and the requirements of subparagraph (B).

35 (B) Meets one of the following criteria:

36 (i) At the time of enrollment, is a recipient of benefits under the  
37 Temporary Assistance for Needy Families program, the  
38 Supplemental Security Income/State Supplementary Payment  
39 Program, or a general assistance program.

1 (ii) Demonstrates eligibility according to income standards  
2 established by regulations of the board of governors.

3 (iii) Demonstrates financial need in accordance with the  
4 methodology set forth in federal law or regulation for determining  
5 the expected family contribution of students seeking financial aid.

6 (2) (A) The board of governors, in consultation with students,  
7 faculty, and other key stakeholders, shall consider all of the  
8 following in the development and adoption of minimum academic  
9 and progress standards pursuant to subparagraph (A) of paragraph  
10 (1):

11 (i) Minimum uniform academic and progress standards that do  
12 not unfairly disadvantage financially needy students in pursuing  
13 their education.

14 (ii) Criteria for reviewing extenuating circumstances and  
15 granting appeals that, at a minimum, take into account and do not  
16 penalize a student for circumstances outside his or her control,  
17 such as reductions in student support services or changes to the  
18 economic situation of the student.

19 (iii) A process for reestablishing fee waiver eligibility that  
20 provides a student with a reasonable opportunity to continue or  
21 resume his or her enrollment at a community college.

22 (B) To ensure that students are not unfairly impacted by the  
23 requirements of subparagraph (A) of paragraph (1), the board of  
24 governors shall establish a reasonable implementation period that  
25 commences no sooner than one year from adoption of the minimum  
26 academic and progress standards, or any subsequent changes to  
27 these standards, pursuant to subparagraph (A) of paragraph (1)  
28 and that is phased in to provide students adequate notification of  
29 this requirement and information about available support resources.

30 (3) It is the intent of the Legislature that minimum academic  
31 and progress standards adopted pursuant to subparagraph (A) of  
32 paragraph (1) be implemented only as campuses develop and  
33 implement the student support services and interventions necessary  
34 to ensure no disproportionate impact to students based on ethnicity,  
35 gender, disability, or socioeconomic status. The board of governors  
36 shall consider the ability of community college districts to meet  
37 the requirements of this paragraph before adopting minimum  
38 academic and progress standards, or any subsequent changes to  
39 these standards, pursuant to subparagraph (A) of paragraph (1).

1 (4) It is the intent of the Legislature to ensure that a student shall  
2 not lose fee waiver eligibility without a community college campus  
3 first demonstrating a reasonable effort to provide a student with  
4 adequate notification and assistance in maintaining his or her fee  
5 waiver eligibility. The board of governors shall adopt regulations  
6 to implement this paragraph that ensure all of the following:

7 (A) Students are provided information about the available  
8 student support services to assist them in maintaining fee waiver  
9 eligibility.

10 (B) Community college district policies and course catalogs  
11 reflect the minimum academic and progress standards adopted  
12 pursuant to subparagraph (A) of paragraph (1) and that appropriate  
13 notice is provided to students before the policies are put into effect.

14 (C) A student does not lose fee waiver eligibility unless he or  
15 she has not met minimum academic and progress standards adopted  
16 pursuant to subparagraph (A) of paragraph (1) for a period of no  
17 less than two consecutive academic terms.

18 (5) The board of governors shall provide notification of a  
19 proposed action to adopt regulations pursuant to this subdivision  
20 to the appropriate policy and fiscal committees of the Legislature  
21 in accordance with the requirements of paragraph (1) of subdivision  
22 (a) of Section 70901.5. This notification shall include, but not be  
23 limited to, all of the following:

24 (A) The proposed minimum academic and progress standards  
25 and information detailing how the requirements of paragraphs (1)  
26 to (4), inclusive, have been or will be satisfied.

27 (B) How many students may lose fee waiver eligibility by  
28 ethnicity, gender, disability, and, to the extent relevant data is  
29 available, by socioeconomic status.

30 (C) The criteria for reviewing extenuating circumstances,  
31 granting appeals, and reestablishing fee waiver eligibility pursuant  
32 to paragraph (2).

33 (h) The fee requirements of this section shall be waived for any  
34 student who, at the time of enrollment, is a dependent or surviving  
35 spouse who has not remarried, of any member of the California  
36 National Guard who, in the line of duty and while in the active  
37 service of the state, was killed, died of a disability resulting from  
38 an event that occurred while in the active service of the state, or  
39 is permanently disabled as a result of an event that occurred while  
40 in the active service of the state. "Active service of the state," for

1 the purposes of this subdivision, refers to a member of the  
2 California National Guard activated pursuant to Section 146 of  
3 the Military and Veterans Code.

4 (i) The fee requirements of this section shall be waived for any  
5 student who is the surviving spouse or the child, natural or adopted,  
6 of a deceased person who met all of the requirements of Section  
7 68120.

8 (j) The fee requirements of this section shall be waived for any  
9 student in an undergraduate program, including a student who has  
10 previously graduated from another undergraduate or graduate  
11 program, who is the dependent of any individual killed in the  
12 September 11, 2001, terrorist attacks on the World Trade Center  
13 and the Pentagon or the crash of United Airlines Flight 93 in  
14 southwestern Pennsylvania, if that dependent meets the financial  
15 need requirements set forth in Section 69432.7 for the Cal Grant  
16 A Program and either of the following applies:

17 (1) The dependent was a resident of California on September  
18 11, 2001.

19 (2) The individual killed in the attacks was a resident of  
20 California on September 11, 2001.

21 (k) A determination of whether a person is a resident of  
22 California on September 11, 2001, for purposes of subdivision (j)  
23 shall be based on the criteria set forth in Chapter 1 (commencing  
24 with Section 68000) of Part 41 of Division 5 for determining  
25 nonresident and resident tuition.

26 (l) (1) "Dependent," for purposes of subdivision (j), is a person  
27 who, because of his or her relationship to an individual killed as  
28 a result of injuries sustained during the terrorist attacks of  
29 September 11, 2001, qualifies for compensation under the federal  
30 September 11th Victim Compensation Fund of 2001 (Title IV  
31 (commencing with Section 401) of Public Law 107-42).

32 (2) A dependent who is the surviving spouse of an individual  
33 killed in the terrorist attacks of September 11, 2001, is entitled to  
34 the waivers provided in this section until January 1, 2013.

35 (3) A dependent who is the surviving child, natural or adopted,  
36 of an individual killed in the terrorist attacks of September 11,  
37 2001, is entitled to the waivers under subdivision (j) until that  
38 person attains 30 years of age.

39 (4) A dependent of an individual killed in the terrorist attacks  
40 of September 11, 2001, who is determined to be eligible by the

1 California Victim Compensation and Government Claims Board,  
2 is also entitled to the waivers provided in this section until January  
3 1, 2013.

4 (m) (1) It is the intent of the Legislature that sufficient funds  
5 be provided to support the provision of a fee waiver for every  
6 student who demonstrates eligibility pursuant to subdivisions (g)  
7 to (j), inclusive.

8 (2) From funds provided in the annual Budget Act, the board  
9 of governors shall allocate to community college districts, pursuant  
10 to this subdivision, an amount equal to 2 percent of the fees waived  
11 pursuant to subdivisions (g) to (j), inclusive. From funds provided  
12 in the annual Budget Act, the board of governors shall allocate to  
13 community college districts, pursuant to this subdivision, an  
14 amount equal to ninety-one cents (\$0.91) per credit unit waived  
15 pursuant to subdivisions (g) to (j), inclusive. It is the intent of the  
16 Legislature that funds provided pursuant to this subdivision be  
17 used to support the determination of financial need and delivery  
18 of student financial aid services, on the basis of the number of  
19 students for whom fees are waived. It also is the intent of the  
20 Legislature that the funds provided pursuant to this subdivision  
21 directly offset mandated costs claimed by community college  
22 districts pursuant to Commission on State Mandates consolidated  
23 Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15  
24 (Enrollment Fee Waivers). Funds allocated to a community college  
25 district for determination of financial need and delivery of student  
26 financial aid services shall supplement, and shall not supplant, the  
27 level of funds allocated for the administration of student financial  
28 aid programs during the 1992–93 fiscal year.

29 (n) The board of governors shall adopt regulations implementing  
30 this section.

31 (o) This section shall become operative on May 1, 2012, only  
32 if subdivision (b) of Section 3.94 of the Budget Act of 2011 is  
33 operative.

34 *SEC. 25. Section 81133 of the Education Code is amended to*  
35 *read:*

36 81133. (a) The Department of General Services shall pass  
37 upon, and approve or reject, all plans for the construction or, if the  
38 estimated cost exceeds ~~twenty-five~~ *one hundred* thousand dollars  
39 ~~(\$25,000)~~, *(\$100,000)*, the alteration of any school building. To  
40 enable it to do so, the governing board of each community college

1 district and any other school authority before adopting any plans  
2 for the school building shall submit the plans to the Department  
3 of General Services for approval, and shall pay the fees prescribed  
4 in this article.

5 (b) Notwithstanding subdivision (a), where the estimated cost  
6 of reconstruction or alteration of, or addition to, a school building  
7 exceeds ~~twenty-five~~ *one hundred* thousand dollars ~~(\$25,000);~~  
8 *(\$100,000)*, but does not exceed ~~one two hundred twenty-five~~  
9 thousand dollars ~~(\$100,000);~~ *(\$225,000)*, a licensed structural  
10 engineer shall examine the proposed project to determine if it is a  
11 nonstructural alteration or a structural alteration. If he or she  
12 determines that the project is a nonstructural alteration, he or she  
13 shall prepare a statement so indicating. If he or she determines that  
14 the project is structural, he or she shall prepare plans and  
15 specifications for the project which shall be submitted to the  
16 Department of General Services for review and approval. A copy  
17 of the engineer's report stating that the work does not affect  
18 structural elements shall be filed with the Department of General  
19 Services.

20 (c) If a licensed structural engineer submits a report to the  
21 Department of General Services stating that the plans or activities  
22 authorized pursuant to subdivision (b) do not involve structural  
23 elements, then all of the following shall apply to that project:

24 (1) The design professional in responsible charge of the project  
25 undertaken pursuant to this subdivision shall certify that the plans  
26 and specifications for the project meet any applicable fire and life  
27 safety standards, and do not affect the disabled access requirements  
28 of Section 4450 of the Government Code, and shall submit this  
29 certification to the ~~department~~ *Department of General Services*.  
30 The letter of certification shall bear the identifying licensing stamp  
31 or seal of the design professional. This ~~provision paragraph~~ does  
32 not preclude a design professional from submitting plans and  
33 specifications to the ~~department~~ *Department of General Services*  
34 along with the appropriate fee for review.

35 (2) Within 10 days of the completion of any project authorized  
36 pursuant to subdivision (b), the school construction inspector of  
37 record on the project, who is certified by the ~~department~~  
38 *Department of General Services* to inspect school buildings, shall  
39 certify in writing to the ~~department~~ *Department of General Services*

1 that the reconstruction, alteration, or addition has been completed  
2 in compliance with the plans and specifications.

3 (3) The dollar amounts cited in this section shall be increased  
4 on an annual basis, commencing January 1, ~~1999~~, 2018, by the  
5 ~~department~~ *Department of General Services* according to an  
6 inflationary index governing construction costs that is selected and  
7 recognized by the ~~department~~. *Department of General Services*.

8 (4) No ~~school~~ *community college* district shall subdivide a  
9 project for the purpose of evading the limitation on amounts cited  
10 in this section.

11 (5) Before letting any contract for any construction or alteration  
12 of any school building, the written approval of the plans, as to  
13 safety of design and construction, by the Department of General  
14 Services, shall first be had and obtained.

15 (6) In each case the application for approval of the plans shall  
16 be accompanied by the plans and full, complete, and accurate  
17 specifications, and structural design computations, and estimates  
18 of cost, which shall comply in every respect with any and all  
19 requirements prescribed by the Department of General Services.

20 (7) (A) The application shall be accompanied by a filing fee in  
21 amounts as determined by the Department of General Services  
22 based on the estimated cost according to the following schedule:

23 (i) For the first one million dollars (\$1,000,000), a fee of not  
24 more than 0.7 percent of the estimated cost.

25 (ii) For all costs in excess of one million dollars (\$1,000,000),  
26 a fee of not more than 0.6 percent of the estimated cost.

27 (B) The minimum fee in any case shall be two hundred fifty  
28 dollars (\$250). If the actual cost exceeds the estimated cost by  
29 more than 5 percent, a further fee shall be paid to the Department  
30 of General Services, based on the above schedule and computed  
31 on the amount by which the actual cost exceeds the amount of the  
32 estimated cost.

33 (8) (A) All fees collected under this article shall be paid into  
34 the State Treasury and credited to the Public School Planning,  
35 Design, and Construction Review Revolving Fund, and are  
36 continuously appropriated, without regard to fiscal years, for the  
37 use of the Department of General Services, subject to approval of  
38 the Department of Finance, in carrying out this article.

39 (B) Adjustments in the amounts of the fees, as determined by  
40 the Department of General Services and approved by the

1 Department of Finance, shall be made within the limits set in  
2 paragraph (7) in order to maintain a reasonable working balance  
3 in the fund.

4 (9) No contract for the construction or alteration of any school  
5 building, made or executed by the governing board of any  
6 community college district or other public board, body, or officer  
7 otherwise vested with authority to make or execute this contract,  
8 is valid, and no public money shall be paid for any work done  
9 under this contract or for any labor or materials furnished in  
10 constructing or altering the building, unless the plans,  
11 specifications, and estimates comply in every particular with the  
12 provisions of this article and the requirements prescribed by the  
13 Department of General Services and unless the approval thereof  
14 in writing has first been had and obtained from the Department of  
15 General Services.

16 (d) For purposes of this section, “design professional in  
17 responsible charge” or “design professional” means the licensed  
18 architect, licensed structural engineer, or licensed civil engineer  
19 who is responsible for the completion of the design work involved  
20 with the project.

21 *SEC. 26. Section 89750.5 of the Education Code is amended*  
22 *to read:*

23 89750.5. (a) Notwithstanding Sections 948 and 965.2 of the  
24 Government Code or any other ~~provision of law~~, the trustees may  
25 settle, adjust, or compromise any pending action or final judgment,  
26 without the need for a recommendation, certification, or approval  
27 from any other state officer or entity. The Controller shall draw a  
28 warrant for the payment of any settlement, adjustment, or  
29 compromise, or final judgment against the trustees if the trustees  
30 certify that a sufficient appropriation for the payment of the  
31 settlement, adjustment, compromise, or final judgment exists.

32 (b) Notwithstanding paragraph (3) of subdivision (b) of Section  
33 905.2 of the Government Code or any other ~~provision of law~~, the  
34 trustees may pay any claim for money or damages on express  
35 contract or for an injury for which the trustees or their officers or  
36 employees are liable, without approval of the ~~California Victim~~  
37 ~~Compensation and Government Claims Board~~, *Department of*  
38 *General Services*, if the trustees determine that payment of the  
39 claim is in the best interests of the California State University and  
40 that funds are available to pay the claim. The authority of the



trustees conferred by this subdivision does not alter any other requirements governing claims in the Government Claims Act (Division 3.6 (commencing with Section 810) of Title 1 of the Government Code), except to grant the trustees authority to pay these claims.

(c) Notwithstanding Chapter 3 (commencing with Section 13940) of Part 4 of Division 3 of Title 2 of the Government Code, the trustees may discharge from accountability the sum of one thousand dollars (\$1,000) or less, owing to the California State University, if the trustees determine that the money is uncollectible or the amount does not justify the cost of collection. A discharge of accountability by the trustees does not release any person from the payment of any moneys due the California State University.

*SEC. 27. Section 1122 of the Fish and Game Code is amended to read:*

1122. Any claim for damages arising against the state under Section 1121 shall be presented to the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* in accordance with Section 905.2 of the Government Code, and if not covered by insurance provided pursuant to Section 1121, the claim shall be payable only out of funds appropriated by the Legislature for that purpose. If the state elects to insure its liability under Section 1121, the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* may automatically deny the claim.

*SEC. 28. Section 15512 of the Fish and Game Code is amended to read:*

15512. (a) If aquatic plants or animals are destroyed pursuant to subdivision (e) of Section 15505, the owner shall be promptly paid from the General Fund an amount equal to 75 percent of the replacement value of the plants or animals, less the value determined by the department of any replacement stock provided by the department under subdivision (b) if the claim is submitted pursuant to Section 15513. If the replacement value is not settled between the owner and the department, the replacement value shall be determined by an appraiser appointed by the director and an appraiser appointed by the owner. Appraiser's fees shall be paid by the appointing party. Disputes between these two appraisers shall be submitted to arbitration under the Commercial Arbitration Rules of the American Arbitration Association.

(b) If the department provides replacement stock to an aquaculturist whose plants or animals are destroyed pursuant to subdivision (e) of Section 15505, the amount to be paid to the aquaculturist pursuant to this section shall be reduced by the value of the replacement stock, as determined by the department.

(c) The result of the arbitration or the amount settled between the owner and the department, reduced by the value determined by the department of any replacement stock provided under subdivision (b), may be submitted as a claim by the owner to the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* pursuant to Section 15513.

*SEC. 29. Section 3955 of the Food and Agricultural Code is amended to read:*

3955. Claims against an association shall be presented to the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* in accordance with Part 3 (commencing with Section 900) and Part 4 (commencing with Section 940) of Division 3.6 of Title 1 of the Government Code.

*SEC. 30. Section 14978.2 of the Food and Agricultural Code is amended to read:*

14978.2. (a) The board may establish the Commercial Feed Inspection Committee as an entity to administer this chapter. The committee shall consist of eight persons appointed by the board who shall be licensed under this chapter. The committee may, with the concurrence of the director, appoint one additional member to the committee, who shall be a public member. The public member shall be a citizen and resident of California who is not subject to the licensing requirements of this chapter, and who has no financial interest in any person licensed under this chapter.

(b) Each member shall have an alternate member appointed in the same manner as the member, who shall serve in the absence of the member for whom they are designated as alternate and who shall have all the duties and exercise the full rights and privileges of members.

(c) The committee may appoint its own officers, including a chairperson, one or more vice chairpersons, and other officers as it deems necessary. The officers shall have the powers and duties delegated to them by the committee.

(d) The members and alternate members, when acting as members, shall serve without compensation but shall be reimbursed

1 for expenses necessarily incurred by them in the performance of  
2 their duties in accordance with the rules of the ~~California Victim~~  
3 ~~Compensation and Government Claims Board~~. *Department of*  
4 *General Services*.

5 (e) A quorum of the committee shall be five members. A vote  
6 of the majority of the members present at a meeting at which there  
7 is a quorum shall constitute the act of the committee.

8 (f) No member or alternate member, or any employee or agent  
9 thereof, shall be personally liable for the actions of the committee  
10 or responsible individually in any way for errors in judgment,  
11 mistakes, or other acts, either by commission or omission, except  
12 for his or her own individual acts of dishonesty or crime.

13 *SEC. 31. Section 52295 of the Food and Agricultural Code is*  
14 *amended to read:*

15 52295. Members of the board shall receive no salary but may  
16 be allowed per diem in accordance with ~~California Victim~~  
17 ~~Compensation and Government Claims Board~~ *Department of*  
18 *General Services* rules for attendance at meetings and other board  
19 activities authorized by the board and approved by the director.

20 *SEC. 32. Section 800 of the Government Code is amended to*  
21 *read:*

22 800. (a) In any civil action to appeal or review the award,  
23 finding, or other determination of any administrative proceeding  
24 under this code or under any other provision of state law, except  
25 actions resulting from actions of the ~~California Victim~~  
26 ~~Compensation and Government Claims Board~~, *Department of*  
27 *General Services*, if it is shown that the award, finding, or other  
28 determination of the proceeding was the result of arbitrary or  
29 capricious action or conduct by a public entity or an officer thereof  
30 in his or her official capacity, the complainant if he or she prevails  
31 in the civil action may collect from the public entity reasonable  
32 attorney's fees, computed at one hundred dollars (\$100) per hour,  
33 but not to exceed seven thousand five hundred dollars (\$7,500),  
34 if he or she is personally obligated to pay the fees in addition to  
35 any other relief granted or other costs awarded.

36 (b) This section is ancillary only, and shall not be construed to  
37 create a new cause of action.

38 (c) The refusal by a public entity or officer thereof to admit  
39 liability pursuant to a contract of insurance shall not be considered

1 arbitrary or capricious action or conduct within the meaning of  
2 this section.

3 *SEC. 33. Section 850.6 of the Government Code is amended*  
4 *to read:*

5 850.6. (a) Whenever a public entity provides fire protection  
6 or firefighting service outside of the area regularly served and  
7 protected by the public entity providing that service, the public  
8 entity providing the service is liable for any injury for which  
9 liability is imposed by statute caused by its act or omission or the  
10 act or omission of its employee occurring in the performance of  
11 that fire protection or firefighting service. Notwithstanding any  
12 other law, the public entity receiving the fire protection or  
13 firefighting service is not liable for any act or omission of the  
14 public entity providing the service or for any act or omission of  
15 an employee of the public entity providing the service; but the  
16 public entity providing the service and the public entity receiving  
17 the service may by agreement determine the extent, if any, to which  
18 the public entity receiving the service will be required to indemnify  
19 the public entity providing the service.

20 (b) Notwithstanding any other provision of this section, any  
21 claims against the state shall be presented to the ~~California Victim~~  
22 ~~Compensation and Government Claims Board~~ *Department of*  
23 *General Services* in accordance with Part 3 (commencing with  
24 Section 900) and Part 4 (commencing with Section 940) of Division  
25 3.6 of Title 1.

26 *SEC. 34. Section 900.2 of the Government Code is amended*  
27 *to read:*

28 900.2. "Board" means:

29 (a) In the case of a local public entity, the governing body of  
30 the local public entity.

31 (b) In the case of the state, except as provided by subdivisions  
32 (c) and (d), the ~~Victim Compensation and Government Claims~~  
33 ~~Board~~ *Department of General Services*.

34 (c) In the case of a judicial branch entity or judge of one of those  
35 entities, the Judicial Council.

36 (d) In the case of the California State University, the Trustees  
37 of the California State University.

38 *SEC. 35. Section 905.2 of the Government Code is amended*  
39 *to read:*

905.2. (a) This section shall apply to claims against the state filed with the ~~California Victim Compensation and Government Claims Board~~. *Department of General Services except as provided in subparagraph (B) of paragraph (2) of subdivision (b).*

(b) There shall be presented in accordance with this chapter and Chapter 2 (commencing with Section 910) all claims for money or damages against the state:

(1) For which no appropriation has been made or for which no fund is available but the settlement of which has been provided for by statute or constitutional provision.

(2) (A) For which the appropriation made or fund designated is exhausted.

(B) *Claims for reissuance of stale, dated, or replacement warrants shall be filed with the state entity that originally issued the warrant and, if allowed, shall be paid from the issuing entity's current appropriation.*

(3) For money or damages on express contract, or for an injury for which the state is liable.

(4) For which settlement is not otherwise provided for by statute or constitutional provision.

(c) Claimants shall pay a filing fee of twenty-five dollars (\$25) for filing a claim described in subdivision ~~(b)~~: *(b), except for claims for reissuance of stale, dated, or replacement warrants as described in subparagraph (B) of paragraph (2) of subdivision (b).* This fee shall be deposited into the ~~General Service Revolving Fund and may shall only be appropriated in~~ *available for the support of the board as reimbursements to Item 7870-001-0001 of Section 2.00 of the annual Budget Act.* *Department of General Services upon appropriation by the Legislature.*

(1) The fee shall not apply to the following persons:

(A) Persons who are receiving benefits pursuant to the Supplemental Security Income (SSI) and State Supplementary Payment (SSP) programs (Article 5 (commencing with Section 12200) of Chapter 3 of Part 3 of Division 9 of the Welfare and Institutions Code), the California Work Opportunity and Responsibility to Kids Act (CalWORKs) program (Chapter 2 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code), the federal Supplemental Nutrition Assistance Program (SNAP; 7 U.S.C. Sec. 2011 et seq.), or Section 17000 of the Welfare and Institutions Code.

1 (B) Persons whose monthly income is 125 percent or less of the  
2 current monthly poverty line annually established by the Secretary  
3 of California Health and Human Services pursuant to the federal  
4 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35),  
5 as amended.

6 (C) Persons who are sentenced to imprisonment in a state prison  
7 or confined in a county jail, or who are residents in a state  
8 institution and, within 90 days prior to the date the claim is filed,  
9 have a balance of one hundred dollars (\$100) or less credited to  
10 the inmate's or resident's trust account. A certified copy of the  
11 statement of the account shall be submitted.

12 (2) Any claimant who requests a fee waiver shall attach to the  
13 application a signed affidavit requesting the waiver and verification  
14 of benefits or income and any other required financial information  
15 in support of the request for the waiver.

16 (3) Notwithstanding any other law, an applicant shall not be  
17 entitled to a hearing regarding the denial of a request for a fee  
18 waiver.

19 (d) The time for the ~~board~~ *Department of General Services* to  
20 determine the sufficiency, timeliness, or any other aspect of the  
21 claim shall begin when any of the following occur:

22 (1) The claim is submitted with the filing fee.

23 (2) The fee waiver is granted.

24 (3) The filing fee is paid to the ~~board~~ *department* upon the  
25 ~~board's department's~~ denial of the fee waiver request, so long as  
26 payment is received within 10 calendar days of the mailing of the  
27 notice of the denial.

28 (e) Upon approval of the claim by the ~~board~~, *Department of*  
29 *General Services*, the fee shall be reimbursed to the claimant,  
30 except that no fee shall be reimbursed if the approved claim was  
31 for the payment of an expired warrant. Reimbursement of the filing  
32 fee shall be paid by the state entity against which the approved  
33 claim was filed. If the claimant was granted a fee waiver pursuant  
34 to this section, the amount of the fee shall be paid by the state  
35 entity to the ~~board~~ *department*. The reimbursement to the claimant  
36 or the payment to the ~~board~~ *department* shall be made at the time  
37 the claim is paid by the state entity, or shall be added to the amount  
38 appropriated for the claim in an equity claims bill.

39 (f) The board may assess a surcharge to the state entity against  
40 which the approved claim was filed in an amount not to exceed

1 15 percent of the total approved claim. The board shall not include  
2 the refunded filing fee in the surcharge calculation. This surcharge  
3 shall be deposited into the General Fund and may be appropriated  
4 in support of the board as reimbursements to Item 7870-001-0001  
5 of Section 2.00 of the annual Budget Act.

6 (1) The surcharge shall not apply to approved claims to reissue  
7 expired warrants.

8 (2) Upon the request of the ~~board~~ department in a form  
9 prescribed by the Controller, the Controller shall transfer the  
10 ~~surcharges and fees~~ from the state entity's appropriation to the  
11 appropriation for the support of the ~~board~~ department. However,  
12 the ~~board~~ department shall not request an amount that shall be  
13 submitted for legislative approval pursuant to Section 13928.

14 (g) The filing fee required by subdivision (c) shall apply to all  
15 claims filed after June 30, 2004, or the effective date of this statute.  
16 The surcharge authorized by subdivision (f) may be calculated and  
17 included in claims paid after June 30, 2004, or the effective date  
18 of the statute adding this subdivision.

19 (h) This section shall not apply to claims made for a violation  
20 of the California Whistleblower Protection Act (Article 3  
21 (commencing with Section 8547) of Chapter 6.5 of Division 1 of  
22 Title 2).

23 *SEC. 36. Section 905.3 of the Government Code is amended*  
24 *to read:*

25 905.3. Notwithstanding any other ~~provision of~~ law to the  
26 contrary, no claim shall be submitted by a local agency or school  
27 district, nor shall a claim be considered by the ~~California Victim~~  
28 ~~Compensation and Government Claims Board~~ Department of  
29 General Services pursuant to Section 905.2, if that claim is eligible  
30 for consideration by the Commission on State Mandates pursuant  
31 to Article 1 (commencing with Section 17550) of Chapter 4 of  
32 Part 7 of Division 4 of Title 2.

33 *SEC. 37. Section 906 of the Government Code is amended to*  
34 *read:*

35 906. (a) As used in this section, "amount allowed on the claim"  
36 means the amount allowed by the ~~California Victim Compensation~~  
37 ~~and Government Claims Board~~ Department of General Services  
38 on a claim allowed, in whole or in part, or the amount offered by  
39 the ~~board~~ department to settle or compromise a claim.

(b) Except as otherwise provided in this subdivision, no interest is payable on the amount allowed on the claim if payment of the claim is subject to approval of an appropriation by the Legislature. If an appropriation is made for the payment of a claim described in this subdivision, interest on the amount appropriated for the payment of the claim commences to accrue 180 days after the effective date of the act by which the appropriation is enacted.

*SEC. 38. Section 911.2 of the Government Code is amended to read:*

911.2. (a) A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented as provided in Article 2 (commencing with Section 915) not later than six months after the accrual of the cause of action. A claim relating to any other cause of action shall be presented as provided in Article 2 (commencing with Section 915) not later than one year after the accrual of the cause of action.

(b) For purposes of determining whether a claim was commenced within the period provided by law, the date the claim was presented to the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* is one of the following:

(1) The date the claim is submitted with a twenty-five dollar (\$25) filing fee.

(2) If a fee waiver is granted, the date the claim was submitted with the affidavit requesting the fee waiver.

(3) If a fee waiver is denied, the date the claim was submitted with the affidavit requesting the fee waiver, provided the filing fee is paid to the ~~board~~ *department* within 10 calendar days of the mailing of the notice of the denial of the fee waiver.

*SEC. 39. Section 912.5 of the Government Code is amended to read:*

912.5. (a) The Trustees of the California State University shall act on a claim against the California State University in accordance with the procedure that the Trustees of the California State University provide by rule.

(b) Nothing in this section authorizes the Trustees of the California State University to adopt any rule that is inconsistent with this part.

(c) If a claim for money or damages against the California State University is mistakenly presented to the ~~Victim Compensation~~



1 ~~and Government Claims Board, Department of General Services,~~  
2 ~~the Victim Compensation and Government Claims Board~~  
3 ~~Department of General Services~~ shall immediately notify the  
4 claimant of the error and shall include information on proper filing  
5 of the claim.

6 SEC. 40. Section 915 of the Government Code is amended to  
7 read:

8 915. (a) A claim, any amendment thereto, or an application  
9 to the public entity for leave to present a late claim shall be  
10 presented to a local public entity by either of the following means:

- 11 (1) Delivering it to the clerk, secretary or auditor thereof.  
12 (2) Mailing it to the clerk, secretary, auditor, or to the governing  
13 body at its principal office.

14 (b) Except as provided in subdivisions (c) and (d), a claim, any  
15 amendment thereto, or an application for leave to file a late claim  
16 shall be presented to the state by either of the following means:

- 17 (1) Delivering it to an office of the ~~Victim Compensation and~~  
18 ~~Government Claims Board, Department of General Services.~~

- 19 (2) Mailing it to the ~~Victim Compensation and Government~~  
20 ~~Claims Board, Department of General Services~~ at its principal  
21 office.

22 (c) A claim, any amendment thereto, or an application for leave  
23 to file a late claim shall be presented to a judicial branch entity in  
24 accordance with the following means:

- 25 (1) Delivering or mailing it to the court executive officer, if  
26 against a superior court or a judge, court executive officer, or trial  
27 court employee, as defined in Section 811.9, of that court.

- 28 (2) Delivering or mailing it to the clerk/administrator of the  
29 court of appeals, if against a court of appeals or a judge of that  
30 court.

- 31 (3) Delivering or mailing it to the Clerk of the Supreme Court,  
32 if against the Supreme Court or a judge of that court.

- 33 (4) Delivering or mailing it to the Secretariat of the Judicial  
34 Council, if against the Judicial Council or the Administrative Office  
35 of the Courts.

- 36 (d) A claim, any amendment thereto, or an application for leave  
37 to file a late claim shall be presented to the Trustees of the  
38 California State University by delivering or mailing it to the Office  
39 of Risk Management at the Office of the Chancellor of the  
40 California State University.

(e) A claim, amendment or application shall be deemed to have been presented in compliance with this section even though it is not delivered or mailed as provided in this section if, within the time prescribed for presentation thereof, any of the following apply:

(1) It is actually received by the clerk, secretary, ~~auditor~~ auditor, or board of the local public entity.

(2) It is actually received at an office of the ~~Victim Compensation and Government Claims Board~~. *Department of General Services.*

(3) If against the California State University, it is actually received by the Trustees of the California State University.

(4) If against a judicial branch entity or judge, it is actually received by the court executive officer, court clerk/administrator, court clerk, or secretariat of the judicial branch entity.

(f) A claim, amendment or application shall be deemed to have been presented in compliance with this section to a public agency as defined in Section 53050 if it is delivered or mailed within the time prescribed for presentation thereof in conformity with the information contained in the statement in the Roster of Public Agencies pertaining to that public agency which is on file at the time the claim, amendment or application is delivered or mailed. As used in this subdivision, “statement in the Roster of Public Agencies” means the statement or amended statement in the Roster of Public Agencies in the office of the Secretary of State or in the office of the county clerk of any county in which the statement or amended statement is on file.

*SEC. 41. Section 920 of the Government Code is amended to read:*

920. As used in this chapter, “omnibus claim appropriation” means an act of appropriation, or an item of appropriation in a budget act, by which the Legislature appropriates a lump sum to pay the claim of the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* or its secretary against the state in an amount that the Legislature has determined is properly chargeable to the state.

*SEC. 42. Section 925 of the Government Code is amended to read:*

925. As used in this chapter, ~~“board”~~ “department” means the ~~California Victim Compensation and Government Claims Board~~. *Department of General Services.*

1     *SEC. 43. Section 925.4 of the Government Code is amended*  
2     *to read:*

3     925.4. Any person having a claim against the ~~State~~ *state* for  
4     which appropriations have been made, or for which state funds  
5     are available, may present it to the Controller in the form and  
6     manner prescribed by the general rules and regulations adopted  
7     by the ~~board~~ *department* for the presentation and audit of claims.

8     *SEC. 44. Section 925.6 of the Government Code is amended*  
9     *to read:*

10    925.6. (a) The Controller shall not draw his or her warrant for  
11    any claim until it has been audited by him or her in conformity  
12    with law and the general rules and regulations adopted by the  
13    ~~board,~~ *department,* governing the presentation and audit of claims.  
14    Whenever the Controller is directed by law to draw his or her  
15    warrant for any purpose, the direction is subject to this section.

16    (b) Notwithstanding the provisions of subdivision (a), the  
17    Assembly Committee on Rules, the Senate Committee on Rules,  
18    and the Joint Rules Committee, in cooperation with the Controller,  
19    shall adopt rules and regulations to govern the presentation of  
20    claims of the committees to the Controller. The Controller, in  
21    cooperation with the committees, shall adopt rules and regulations  
22    governing the audit and recordkeeping of claims of the committees.  
23    All rules and regulations shall be adopted by January 31, 1990,  
24    shall be published in the Assembly and Senate Journals, and shall  
25    be made available to the public.

26    (c) Rules and regulations adopted pursuant to subdivision (b)  
27    shall not be subject to the review by or approval of the Office of  
28    Administrative Law.

29    (d) Records of claims kept by the Controller pursuant to  
30    subdivision (b) shall be open to public inspection as permitted by  
31    the California Public Records Act (Chapter 3.5 (commencing with  
32    Section 6250) of Division 7 of Title 1).

33    *SEC. 45. Section 926 of the Government Code is amended to*  
34    *read:*

35    926. If he *or she* disapproves a claim, the Controller shall file  
36    it and a statement of his *or her* disapproval and his *or her* reasons  
37    with the ~~board~~ *department* as prescribed in the rules and regulations  
38    of the ~~board.~~ *department.*

39    *SEC. 46. Section 926.2 of the Government Code is amended*  
40    *to read:*

1     926.2. The Controller shall not entertain for a second time a  
2 claim against the ~~State~~ *state* once rejected by him *or her* or by the  
3 Legislature unless such facts are subsequently presented to the  
4 ~~board~~ *department* as in suits between individuals *that* would furnish  
5 sufficient ground for granting a new trial.

6     *SEC. 47. Section 926.4 of the Government Code is amended*  
7 *to read:*

8     926.4. Any person who is aggrieved by the disapproval of a  
9 claim by the ~~Controller~~, *Controller* may appeal to the ~~board~~.  
10 *department*. If the ~~board~~ *department* finds that facts are presented  
11 justifying such action, the Controller shall reconsider his *or her*  
12 rejection of the claim.

13     *SEC. 48. Section 926.6 of the Government Code is amended*  
14 *to read:*

15     926.6. After final rejection of a claim by the Controller  
16 following reconsideration, any person interested may appeal to  
17 the Legislature by filing with the ~~board~~ *department* a notice of  
18 appeal. Upon receipt of such notice the ~~board~~ *department* shall  
19 transmit to the Legislature the rejected claim, all papers  
20 accompanying it, and a statement of the evidence taken before the  
21 ~~board~~ *department*.

22     *SEC. 49. Section 927.13 of the Government Code is amended*  
23 *to read:*

24     927.13. (a) Unless otherwise provided for by statute, any state  
25 agency that fails to submit a correct claim schedule to the  
26 Controller within 30 days of receipt of a notice of refund or other  
27 payment due, and fails to issue payment within 45 days from the  
28 notice of refund or other payment due, shall be liable for penalties  
29 on the undisputed amount pursuant to this section. The penalties  
30 shall be paid out of the agency's funds at a rate equal to the Pooled  
31 Money Investment Account daily rate on June 30 of the prior fiscal  
32 year minus 1 percent. The penalties shall cease to accrue on the  
33 date full payment or refund is made. If the amount of the penalty  
34 is ten dollars (\$10) or less, the penalty shall be waived and not  
35 paid by the state agency. On an exception basis, state agencies  
36 may avoid payment of penalties for failure to submit a correct  
37 claim schedule to the Controller by paying the claimant directly  
38 from the state agency's revolving fund within 45 calendar days  
39 following the agency's receipt of the notice of refund or other  
40 payment due.

1 (b) The Controller shall pay claimants within 15 calendar days  
2 of receipt of a correct claim schedule from the state agency. If the  
3 Controller fails to make payment within 15 calendar days of receipt  
4 of the claim schedule from a state agency, and payment is not  
5 issued within 45 calendar days following the agency's receipt of  
6 a notice of refund or undisputed payment due, the Controller shall  
7 pay applicable penalties to the claimant. Penalties shall cease to  
8 accrue on the date full payment is made, and shall be paid out of  
9 the Controller's funds. If the amount of the penalty is ten dollars  
10 (\$10) or less, the penalty shall be waived and not paid by the  
11 Controller.

12 (c) No person shall receive an interest payment pursuant to this  
13 section if it is determined that the person has intentionally overpaid  
14 on a liability solely for the purpose of receiving a penalty payment.

15 (d) No penalty shall accrue during any time period for which  
16 there is no Budget Act in effect, nor on any payment or refund that  
17 is the result of a federally mandated program or that is directly  
18 dependent upon the receipt of federal funds by a state agency.

19 (e) This section shall not apply to any of the following:

20 (1) Payments, refunds, or credits for income tax purposes.

21 (2) Payment of claims for reimbursement for health care services  
22 or mental health services provided under the Medi-Cal program,  
23 pursuant to Chapter 7 (commencing with Section 14000) of Part  
24 3 of Division 9 of the Welfare and Institutions Code.

25 (3) Any payment made pursuant to a public social service or  
26 public health program to a recipient of benefits under that program.

27 (4) Payments made on claims by the ~~California Victim~~  
28 ~~Compensation and Government Claims Board~~. *Department of*  
29 *General Services*.

30 (5) Payments made by the Commission on State Mandates.

31 (6) Payments made by the Department of Human Resources  
32 pursuant to Section 19823.

33 *SEC. 50. Section 935.6 of the Government Code is amended*  
34 *to read:*

35 935.6. (a) ~~The Victim Compensation and Government Claims~~  
36 ~~Board~~ *Department of General Services* may authorize any state  
37 agency to settle and pay claims filed pursuant to Section 905.2 if  
38 the settlement does not exceed one thousand dollars (\$1,000) or a  
39 lesser amount as the ~~board~~ *department* may determine, or to reject  
40 the claim and provide the notice required by Section 913. The

1 ~~board~~ department may require state agencies that it so authorizes  
2 to report annually to the ~~board~~ department concerning the claims  
3 resolved pursuant to this section.

4 (b) As used in this section, “state agency” means any office,  
5 officer, department, division, bureau, board, commission, or agency  
6 of the state, claims against which are paid by warrants drawn by  
7 the Controller, but does not mean any judicial branch entity, as  
8 defined in Section 900.3, or any judge thereof.

9 *SEC. 51. Section 935.7 of the Government Code is amended*  
10 *to read:*

11 935.7. (a) Notwithstanding Section 935.6, the Department of  
12 Transportation may deny or adjust and pay any claim arising out  
13 of the activities of the department without the prior approval of  
14 the ~~California Victim Compensation and Government Claims~~  
15 ~~Board~~ Department of General Services if both of the following  
16 conditions exist:

17 (1) The amount claimed is equal to or less than the amount  
18 specified as the small claims court jurisdictional amount in Section  
19 116.221 of the Code of Civil Procedure.

20 (2) The Director of Finance or the Director of Transportation  
21 certifies that a sufficient appropriation for the payment of the claim  
22 exists.

23 (b) If the department elects not to pay any claim, the department  
24 shall provide the notice required by Section 913.

25 (c) Any person who submits any claim arising out of any activity  
26 of the Department of Transportation shall comply with every other  
27 applicable provision of this part relating to claims against state  
28 agencies.

29 *SEC. 52. Section 940.2 of the Government Code is amended*  
30 *to read:*

31 940.2. “Board” means:

32 (a) In the case of a local public entity, the governing body of  
33 the local public entity.

34 (b) In the case of the state, except as provided by subdivisions

35 (c) and (d), the ~~Victim Compensation and Government Claims~~  
36 ~~Board~~ Department of General Services.

37 (c) In the case of a judicial branch entity or a judge thereof, the  
38 Judicial Council.

39 (d) In the case of the California State University, the Trustees  
40 of the California State University.

1     *SEC. 53. Section 965 of the Government Code is amended to*  
2     *read:*

3     965. (a) Upon the allowance by the ~~California Victim~~  
4     ~~Compensation and Government Claims Board~~ *Department of*  
5     *General Services* of all or part of a claim for which the Director  
6     of Finance certifies that a sufficient appropriation for the payment  
7     of the claim exists, and the execution and presentation of  
8     documents the ~~board~~ *department* may require that discharge the  
9     state of all liability under the claim, the ~~board~~ *department* shall  
10    designate the fund from which the claim is to be paid, and the state  
11    agency concerned shall pay the claim from that fund. If there is  
12    no sufficient appropriation for the payment available, the ~~board~~  
13    ~~department~~ shall report to the Legislature in accordance with  
14    Section 912.8. Claims arising out of the activities of the State  
15    Department of Transportation may be paid if either the Director  
16    of Transportation or the Director of Finance certifies that a  
17    sufficient appropriation for the payment of the claim exists.

18    (b) Notwithstanding subdivision (a), if there is no sufficient  
19    appropriation for the payment of claims, settlements, or judgments  
20    against the state arising from an action in which the state is  
21    represented by the Attorney General, the Attorney General shall  
22    report the claims, settlements, and judgments to the chairperson  
23    of either the Senate Committee on Appropriations or the Assembly  
24    Committee on Appropriations, who shall cause to be introduced  
25    legislation appropriating funds for the payment of the claims,  
26    settlements, or judgments.

27    (c) Notwithstanding subdivision (a) or (b), claims, settlements,  
28    or judgments arising out of the activities of a judicial branch entity,  
29    as defined by Sections 900.3 and 940.3, or a judge thereof may be  
30    paid if the Judicial Council authorizes payment and the  
31    Administrative Director of the Courts certifies that sufficient funds  
32    for that payment exist from funds allocated to settlement,  
33    adjustment, and compromise of actions and claims. If sufficient  
34    funds for payment of settlements or judgments do not exist, the  
35    Administrative Director of the Courts shall report the settlements  
36    and judgments to the chairperson of either the Senate Committee  
37    on Appropriations or the Assembly Committee on Appropriations,  
38    who shall cause to be introduced legislation appropriating funds  
39    for the payment of the settlements or judgments. If sufficient funds  
40    for payment of claims do not exist, the Administrative Director of

1 the Courts shall report the claims to the ~~California Victim~~  
2 ~~Compensation and Government Claims Board, Department of~~  
3 ~~General Services~~, which shall have 90 days to object to payment.  
4 The Administrative Director of the Courts shall confer with the  
5 ~~Chairperson~~ *Director of the California Victim Compensation and*  
6 ~~Government Claims Board General Services~~ regarding any  
7 objection received during the 90-day period. If the ~~California~~  
8 ~~Victim Compensation and Government Claims Board Department~~  
9 ~~of General Services~~ withdraws the objection, or if no objection  
10 was received, the Administrative Director of the Courts shall report  
11 the claims to the chairperson of either the Senate Committee on  
12 Appropriations or the Assembly Committee on Appropriations,  
13 who shall cause to be introduced legislation appropriating funds  
14 for the payment of the claims. The Judicial Council may authorize  
15 any committee of the Judicial Council or any employee of the  
16 Administrative Office of the Courts to perform the functions of  
17 the Judicial Council under this section. The Administrative Director  
18 of the Courts may designate an executive staff member of the  
19 Administrative Office of the Courts to perform the functions of  
20 the Administrative Director of the Courts under this section.

21 *SEC. 54. Section 965.1 of the Government Code is amended*  
22 *to read:*

23 965.1. ~~Pursuant to Section 13909, the California Victim~~  
24 ~~Compensation and Government Claims Board~~ *The Director of*  
25 *General Services* may ~~delegate to the executive officer the authority~~  
26 ~~to~~ allow a claim filed pursuant to subdivision (c) of Section 905.2  
27 if the settlement amount of that claim does not exceed fifty  
28 thousand dollars (\$50,000), or to reject any claim as so described.

29 *SEC. 55. Section 965.5 of the Government Code is amended*  
30 *to read:*

31 965.5. (a) A judgment for the payment of money against the  
32 state or a state agency is enforceable until 10 years after the time  
33 the judgment becomes final or, if the judgment is payable in  
34 installments, until 10 years after the final installment becomes due.

35 (b) A judgment for the payment of money against the state or  
36 a state agency is not enforceable under Title 9 (commencing with  
37 Section 680.010) of Part 2 of the Code of Civil Procedure, but is  
38 enforceable under this chapter.



1 (c) Interest on the amount of a judgment or settlement for the  
2 payment of moneys against the state shall commence to accrue  
3 180 days from the date of the final judgment or settlement.

4 (d) Unless another statute provides a different interest rate,  
5 interest on a tax or fee judgment for the payment of moneys against  
6 the state shall accrue at a rate equal to the weekly average one year  
7 constant maturity United States Treasury yield at the time of the  
8 judgment plus 2 percent, but shall not exceed 7 percent per annum.

9 (e) Subdivisions (c) and (d) shall not apply to any claim  
10 approved by the ~~California Victim Compensation and Government~~  
11 ~~Claims Board~~. *Department of General Services*.

12 *SEC. 56. Section 997.1 of the Government Code is amended*  
13 *to read:*

14 997.1. (a) Any person may file an application with the  
15 ~~California Victim Compensation and Government Claims Board~~  
16 *Department of General Services* for compensation based on  
17 personal property loss, personal injury, or death, including  
18 noneconomic loss, arising from the Bay Bridge or I-880 Cypress  
19 structure collapse caused by the October 17, 1989, earthquake.  
20 Any application made pursuant to this section shall be presented  
21 to the ~~board~~ *department* no later than April 18, 1990, on forms  
22 prescribed and provided by the ~~board~~, *department*, except that a  
23 late claim may be presented to the ~~board~~ *department* pursuant to  
24 the procedure specified by Section 911.4. Each presented  
25 application shall be verified under penalty of perjury and shall  
26 contain all of the following information:

27 (1) The name of the injured party or in the event of loss of life,  
28 the name and age of the decedent and the names and ages of heirs  
29 as defined in subdivision (b) of Section 377 of the Code of Civil  
30 Procedure.

31 (2) An authorization permitting the ~~board~~ *department* to obtain  
32 relevant medical and employment records.

33 (3) A brief statement describing when, where, and how the  
34 injury or death occurred.

35 (4) A statement as to whether the applicant wishes to apply for  
36 emergency relief provided pursuant to Section 997.2.

37 (b) Upon receipt of an application, the ~~board~~ *department* shall  
38 evaluate the application and may require the applicant to submit  
39 additional information or documents that are necessary to verify  
40 and evaluate the application. The ~~board~~ *department* shall resolve

1 an application within six months from the date of presentation of  
2 the application unless this period of time is extended by mutual  
3 agreement between the ~~board~~ *department* and the applicant. Any  
4 application that is not resolved within this resolution period shall  
5 be deemed denied.

6 (c) Following resolution of an application, if the applicant  
7 desires to pursue additional remedies otherwise provided by this  
8 division, the applicant shall file a court action within six months  
9 of the mailing date of the ~~board's~~ *department's* rejection or denial  
10 of the application or the applicant's rejection of the ~~board's~~  
11 *department's* offer.

12 (d) Any claim pursuant to Part 3 (commencing with Section  
13 900) made before or after the effective date of this part for personal  
14 property loss, personal injury, or death resulting from the collapse  
15 of the Bay Bridge or the I-880 Cypress structure against the State  
16 of California, its agencies, officers, or employees, shall be deemed  
17 to be an application under this part and subject to the provisions  
18 set forth in this part. Additionally, any application made pursuant  
19 to this part shall be deemed to be in compliance with Part 3  
20 (commencing with Section 900).

21 (e) Notwithstanding any other ~~provision of~~ law, resolution of  
22 applications pursuant to the provisions of this part is a condition  
23 precedent to the filing of any action for personal property loss,  
24 personal injury, or death resulting from the collapse of the Bay  
25 Bridge or the I-880 Cypress structure in any court of the State of  
26 California against the State of California, its agencies, officers, or  
27 employees. Any suit filed by an applicant in any court of this state  
28 against the State of California or its agencies, officers, or  
29 employees shall be stayed pending resolution of the application.

30 *SEC. 57. Section 998.2 of the Government Code is amended*  
31 *to read:*

32 998.2. (a) Any person or business may file an application with  
33 the ~~California Victim Compensation and Government Claims~~  
34 ~~Board~~ *Department of General Services* for compensation based  
35 on personal injury, property loss, business loss, or other economic  
36 loss, claimed to have been incurred as a result of the Lake Davis  
37 Northern Pike Eradication Project. Any application made pursuant  
38 to this section shall be presented to the ~~board~~ *department* in  
39 accordance with this division. A late claim may be presented to  
40 the ~~board~~ *department* pursuant to the procedure specified by

1 Section 911.4. Each application shall contain, in addition to the  
2 information required by Section 910, all of the following:

3 (1) The legal name of any business claiming a loss, as well as  
4 the names of the owners and officers of the business.

5 (2) For any property owner claiming diminution of property  
6 value, the names of all persons holding a legal interest in the  
7 property.

8 (3) The name of any person claiming to have suffered personal  
9 injury.

10 (4) An authorization permitting the office of the Attorney  
11 General or its designee to obtain relevant medical, employment,  
12 business, property, and tax records.

13 (5) A brief statement describing when, where, and how the  
14 injury, loss, or diminution in market value occurred.

15 (b) Upon receipt of an application presented pursuant to this  
16 section from the ~~California Victim Compensation and Government~~  
17 ~~Claims Board~~, *Department of General Services*, the office of the  
18 Attorney General or its designee shall examine the application and  
19 may require the applicant to submit additional information or  
20 documents that are necessary to verify and evaluate the application.  
21 The office of the Attorney General or its designee shall attempt to  
22 resolve an application within six months from the effective date  
23 of this part unless this period of time is extended by mutual  
24 agreement between the office of the Attorney General or its  
25 designee and the applicant. Any application that does not result in  
26 a final settlement agreement within the resolution period shall be  
27 deemed denied, allowing the claimant to proceed with a court  
28 action pursuant to Chapter 2 (commencing with Section 945) of  
29 Part 4.

30 (c) The office of the Attorney General or its designee shall adopt  
31 guidelines in consultation with one representative designated by  
32 the City of Portola, one representative designated by the County  
33 of Plumas, and one member of the public to be selected jointly by  
34 the city and the county. Any guidelines so developed shall be used  
35 to evaluate and settle claims filed pursuant to this part.  
36 Notwithstanding Chapter 3.5 (commencing with Section 11340)  
37 of Part 1 of Division 3 of Title 2, any regulations adopted  
38 thereunder by the Attorney General in order to implement this  
39 section shall not be subject to the review and approval of the Office  
40 of Administrative Law, nor subject to the Administrative Procedure

1 Act (Chapter 3.5 (commencing with Section 11340), Chapter 4  
2 (commencing with Section 11370), Chapter 4.5 (commencing with  
3 Section 11400), and Chapter 5 (commencing with Section 11500)  
4 of Part 1 of Division 3 of Title 2).

5 (d) Any court action following denial of an application,  
6 including denial pursuant to subdivision (b), shall be filed within  
7 six months of the mailing date of the ~~board's~~ department's rejection  
8 or denial of the application or the applicant's rejection of the  
9 ~~board's~~ department's offer pursuant to Section 945.6 or subdivision  
10 (b) of Section 998.3.

11 (e) Any claim pursuant to Part 3 (commencing with Section  
12 900) made before or after the effective date of this part for personal  
13 injury, property loss, business loss, or other economic loss resulting  
14 from the Lake Davis Northern Pike Eradication Project against  
15 the State of ~~California, it~~ California or its agencies, officers, or  
16 employees, shall be deemed to be an application under this part  
17 and is subject to the provisions set forth in this part. Additionally,  
18 any application made pursuant to this part shall be deemed to be  
19 in compliance with Part 3 (commencing with Section 900).

20 (f) Notwithstanding any other ~~provision of law~~, the resolution  
21 or denial of an application pursuant to this part is a condition  
22 precedent to the filing of any action for personal injury, property  
23 damage, business loss, or other economic loss, resulting from the  
24 Lake Davis Northern Pike Eradication Project in any court of the  
25 State of California, against the State of ~~California, it~~ California or  
26 its agencies, officers, or employees. Any suit filed by an applicant  
27 in any court of this state against the State of California or its  
28 agencies, officers, or employees shall be stayed pending resolution  
29 or denial of the application.

30 *SEC. 58. Section 1151 of the Government Code is amended to*  
31 *read:*

32 1151. State employees may authorize deductions to be made  
33 from their salaries or wages for payment of one or more of the  
34 following:

35 (a) Insurance premiums or other employee benefit programs  
36 sponsored by a state agency under appropriate statutory authority.

37 (b) Premiums on National Service Life Insurance or United  
38 States Government Converted Insurance.

39 (c) Shares or obligations to any regularly chartered credit union.

1 (d) Recurrent fees or charges payable to a state agency for a  
2 program that has a purpose related to government, as determined  
3 by the Controller.

4 (e) The purchase of United States savings bonds in accordance  
5 with procedures established by the Controller.

6 (f) Payment of charitable contributions under any plan approved  
7 by the ~~California Victim Compensation and Government Claims~~  
8 ~~Board~~ *Department of General Services* in accordance with  
9 procedures established by the Controller.

10 (g) Passes, tickets, or tokens issued for a period of one month,  
11 or more, by a public transportation system.

12 (h) Deposit into an employee's account with a state or federal  
13 bank or savings and loan association located in this state, for  
14 services offered by that bank or savings and loan association.

15 (i) The purchase of any investment or thrift certificate issued  
16 by an industrial loan company licensed by this state.

17 *SEC. 59. Section 3515.7 of the Government Code is amended*  
18 *to read:*

19 3515.7. (a) Once an employee organization is recognized as  
20 the exclusive representative of an appropriate unit it may enter  
21 into an agreement with the state employer providing for  
22 organizational security in the form of maintenance of membership  
23 or fair share fee deduction.

24 (b) The state employer shall furnish the recognized employee  
25 organization with sufficient employment data to allow the  
26 organization to calculate membership fees and the appropriate fair  
27 share fees, and shall deduct the amount specified by the recognized  
28 employee organization from the salary or wages of every employee  
29 for the membership fee or the fair share fee. These fees shall be  
30 remitted monthly to the recognized employee organization along  
31 with an adequate itemized record of the deductions, including, if  
32 required by the recognized employee organization, machine  
33 readable data. Fair share fee deductions shall continue until the  
34 effective date of a successor agreement or implementation of the  
35 state's last, best, and final offer, whichever occurs first. The  
36 Controller shall retain, from the fair share fee deduction, an amount  
37 equal to the cost of administering this section. The state employer  
38 shall not be liable in any action by a state employee seeking  
39 recovery of, or damages for, improper use or calculation of fair  
40 share fees.

(c) Notwithstanding subdivision (b), any employee who is a member of a religious body whose traditional tenets or teachings include objections to joining or financially supporting employee organizations shall not be required to financially support the recognized employee organization. That employee, in lieu of a membership fee or a fair share fee deduction, shall instruct the employer to deduct and pay sums equal to the fair share fee to a nonreligious, nonlabor organization, charitable fund approved by the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* for receipt of charitable contributions by payroll deductions.

(d) A fair share fee provision in a memorandum of understanding that is in effect may be rescinded by a majority vote of all the employees in the unit covered by the memorandum of understanding, provided that: (1) a request for the vote is supported by a petition containing the signatures of at least 30 percent of the employees in the unit; (2) the vote is by secret ballot; and (3) the vote may be taken at any time during the term of the memorandum of understanding, but in no event shall there be more than one vote taken during the term. If the ~~board~~ *Department of General Services* determines that the appropriate number of signatures have been collected, it shall conduct the vote in a manner that it shall prescribe. Notwithstanding this subdivision, the state employer and the recognized employee organization may negotiate, and by mutual agreement provide for, an alternative procedure or procedures regarding a vote on a fair share fee provision.

(e) Every recognized employee organization that has agreed to a fair share fee provision shall keep an adequate itemized record of its financial transactions and shall make available annually, to the ~~board~~ *Department of General Services* and to the employees in the unit, within 90 days after the end of its fiscal year, a detailed written financial report thereof in the form of a balance sheet and an operating statement, certified as to accuracy by its president and treasurer or comparable officers. In the event of failure of compliance with this section, any employee in the unit may petition the ~~board~~ *Department of General Services* for an order compelling this compliance, or the ~~board~~ *Department of General Services* may issue a compliance order on its own motion.

(f) If an employee who holds conscientious objections pursuant to subdivision (c) requests individual representation in a grievance,

1 arbitration, or administrative hearing from the recognized employee  
2 organization, the recognized employee organization is authorized  
3 to charge the employee for the reasonable cost of the representation.

4 (g) An employee who pays a fair share fee shall be entitled to  
5 fair and impartial representation by the recognized employee  
6 organization. A breach of this duty shall be deemed to have  
7 occurred if the employee organization's conduct in representation  
8 is arbitrary, discriminatory, or in bad faith.

9 *SEC. 60. Section 6254.17 of the Government Code is amended*  
10 *to read:*

11 6254.17. (a) Nothing in this chapter shall be construed to  
12 require disclosure of records of the California Victim  
13 Compensation and Government Claims Board that relate to a  
14 request for assistance under Article 1 (commencing with Section  
15 13950) of Chapter 5 of Part 4 of Division 3 of Title 2.

16 (b) This section shall not apply to a disclosure of the following  
17 information, if no information is disclosed that connects the  
18 information to a specific victim, derivative victim, or applicant  
19 under Article 1 (commencing with Section 13950) of Chapter 5  
20 of Part 4 of Division 3 of Title 2:

21 (1) The amount of money paid to a specific provider of services.

22 (2) Summary data concerning the types of crimes for which  
23 assistance is provided.

24 *SEC. 61. Section 6276.08 of the Government Code is amended*  
25 *to read:*

26 6276.08. Cable television subscriber information,  
27 confidentiality of, Section 637.5, Penal Code.

28 CalFresh, disclosure of information, Section 18909, Welfare and  
29 Institutions Code.

30 California AIDS Program, personal data, confidentiality, Section  
31 120820, Health and Safety Code.

32 California Apple Commission, confidentiality of lists of persons,  
33 Section 75598, Food and Agricultural Code.

34 California Apple Commission, confidentiality of proprietary  
35 information from producers or handlers, Section 75633, Food and  
36 Agricultural Code.

37 California Asparagus Commission, confidentiality of lists of  
38 producers, Section 78262, Food and Agricultural Code.

1 California Asparagus Commission, confidentiality of proprietary  
2 information from producers, Section 78288, Food and Agricultural  
3 Code.

4 California Avocado Commission, confidentiality of information  
5 from handlers, Section 67094, Food and Agricultural Code.

6 California Avocado Commission, confidentiality of proprietary  
7 information from handlers, Section 67104, Food and Agricultural  
8 Code.

9 California Cherry Commission, confidentiality of proprietary  
10 information from producers, processors, shippers, or  
11 grower-handlers, Section 76144, Food and Agricultural Code.

12 California Children's Services Program, confidentiality of factor  
13 replacement therapy contracts, Section 123853, Health and Safety  
14 Code.

15 California Cut Flower Commission, confidentiality of lists of  
16 producers, Section 77963, Food and Agricultural Code.

17 California Cut Flower Commission, confidentiality of proprietary  
18 information from producers, Section 77988, Food and Agricultural  
19 Code.

20 California Date Commission, confidentiality of proprietary  
21 information from producers and grower-handlers, Section 77843,  
22 Food and Agricultural Code.

23 California Egg Commission, confidentiality of proprietary  
24 information from handlers or distributors, Section 75134, Food  
25 and Agricultural Code.

26 California Forest Products Commission, confidentiality of lists  
27 of persons, Section 77589, Food and Agricultural Code.

28 California Forest Products Commission, confidentiality of  
29 proprietary information from producers, Section 77624, Food and  
30 Agricultural Code.

31 California Iceberg Lettuce Commission, confidentiality of  
32 information from handlers, Section 66624, Food and Agricultural  
33 Code.

34 California Kiwifruit Commission, confidentiality of proprietary  
35 information from producers or handlers, Section 68104, Food and  
36 Agricultural Code.

37 California Navel Orange Commission, confidentiality of  
38 proprietary information from producers or handlers and lists of  
39 producers and handlers, Section 73257, Food and Agricultural  
40 Code.



1 California Pepper Commission, confidentiality of lists of  
2 producers and handlers, Section 77298, Food and Agricultural  
3 Code.

4 California Pepper Commission, confidentiality of proprietary  
5 information from producers or handlers, Section 77334, Food and  
6 Agricultural Code.

7 California Pistachio Commission, confidentiality of proprietary  
8 information from producers or processors, Section 69045, Food  
9 and Agricultural Code.

10 California Salmon Commission, confidentiality of fee  
11 transactions records, Section 76901.5, Food and Agricultural Code.

12 California Salmon Commission, confidentiality of request for  
13 list of commercial salmon vessel operators, Section 76950, Food  
14 and Agricultural Code.

15 California Seafood Council, confidentiality of fee transaction  
16 records, Section 78553, Food and Agricultural Code.

17 California Seafood Council, confidentiality of information on  
18 volume of fish landed, Section 78575, Food and Agricultural Code.

19 California Sheep Commission, confidentiality of proprietary  
20 information from producers or handlers and lists of producers,  
21 Section 76343, Food and Agricultural Code.

22 California State University contract law, bids, questionnaires  
23 and financial statements, Section 10763, Public Contract Code.

24 California State University Investigation of Reported Improper  
25 Governmental Activities Act, confidentiality of investigative audits  
26 completed pursuant to the act, Section 89574, Education Code.

27 California Table Grape Commission, confidentiality of  
28 information from shippers, Section 65603, Food and Agricultural  
29 Code.

30 California Tomato Commission, confidentiality of lists of  
31 producers, handlers, and others, Section 78679, Food and  
32 Agricultural Code.

33 California Tomato Commission, confidentiality of proprietary  
34 information, Section 78704, Food and Agricultural Code.

35 California Tourism Marketing Act, confidentiality of information  
36 pertaining to businesses paying the assessment under the act,  
37 Section 13995.54.

38 California Victim Compensation and Government Claims Board,  
39 disclosure not required of records relating to assistance requests

1 under Article 1 (commencing with Section 13950) of Chapter 5  
2 of Part 4 of Division 3 of Title 2, Section 6254.17.

3 California Walnut Commission, confidentiality of lists of  
4 producers, Section 77101, Food and Agricultural Code.

5 California Walnut Commission, confidentiality of proprietary  
6 information from producers or handlers, Section 77154, Food and  
7 Agricultural Code.

8 California Wheat Commission, confidentiality of proprietary  
9 information from handlers and lists of producers, Section 72104,  
10 Food and Agricultural Code.

11 California Wheat Commission, confidentiality of requests for  
12 assessment refund, Section 72109, Food and Agricultural Code.

13 California Wine Commission, confidentiality of proprietary  
14 information from producers or vintners, Section 74655, Food and  
15 Agricultural Code.

16 California Wine Grape Commission, confidentiality of  
17 proprietary information from producers and vintners, Section  
18 74955, Food and Agricultural Code.

19 *SEC. 62. Section 7599.2 of the Government Code is amended*  
20 *to read:*

21 7599.2. Distribution of Moneys from the Safe Neighborhoods  
22 and Schools Fund.

23 (a) By August 15 of each fiscal year beginning in 2016, the  
24 Controller shall disburse moneys deposited in the Safe  
25 Neighborhoods and Schools Fund as follows:

26 (1) Twenty-five percent to the State Department of Education,  
27 to administer a grant program to public agencies aimed at  
28 improving outcomes for public school pupils in kindergarten and  
29 grades 1 to 12, inclusive, by reducing truancy and supporting  
30 students who are at risk of dropping out of school or are victims  
31 of crime.

32 (2) Ten percent to the California Victim Compensation~~and~~  
33 ~~Government Claims~~ Board, to make grants to trauma recovery  
34 centers to provide services to victims of crime pursuant to Section  
35 13963.1 of the Government Code.

36 (3) Sixty-five percent to the Board of State and Community  
37 Corrections, to administer a grant program to public agencies aimed  
38 at supporting mental health treatment, substance abuse treatment,  
39 and diversion programs for people in the criminal justice system,  
40 with an emphasis on programs that reduce recidivism of people

convicted of less serious crimes, such as those covered by this measure, and those who have substance abuse and mental health problems.

(b) For each program set forth in paragraphs (1) to (3), inclusive, of subdivision (a), the agency responsible for administering the programs shall not spend more than 5 percent of the total funds it receives from the Safe Neighborhoods and Schools Fund on an annual basis for administrative costs.

(c) Every two years, the Controller shall conduct an audit of the grant programs operated by the agencies specified in paragraphs (1) to (3), inclusive, of subdivision (a) to ensure the funds are disbursed and expended solely according to this chapter and shall report his or her findings to the Legislature and the public.

(d) Any costs incurred by the Controller and the Director of Finance in connection with the administration of the Safe Neighborhoods and Schools Fund, including the costs of the calculation required by Section 7599.1 and the audit required by subdivision (c), as determined by the Director of Finance, shall be deducted from the Safe Neighborhoods and Schools Fund before the funds are disbursed pursuant to subdivision (a).

(e) The funding established pursuant to this act shall be used to expand programs for public school pupils in kindergarten and grades 1 to 12, inclusive, victims of crime, and mental health and substance abuse treatment and diversion programs for people in the criminal justice system. These funds shall not be used to supplant existing state or local funds utilized for these purposes.

(f) Local agencies shall not be obligated to provide programs or levels of service described in this chapter above the level for which funding has been provided.

*SEC. 63. Section 8652 of the Government Code is amended to read:*

8652. Before payment may be made by the state to any person in reimbursement for taking or damaging private property necessarily utilized by the Governor in carrying out his or her responsibilities under this chapter during a state of war emergency or state of emergency, or for services rendered at the instance of the Governor under those conditions, the person shall present a claim to the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* in accordance with the provisions of the Government Code governing the presentation

1 of claims against the state for the taking or damaging of private  
2 property for public use, which provisions shall govern the  
3 presentment, allowance, or rejection of the claims and the  
4 conditions upon which suit may be brought against the state.  
5 Payment for property or services shall be made from any funds  
6 appropriated by the state for that purpose.

7 *SEC. 64. Section 8902 of the Government Code is amended to*  
8 *read:*

9 8902. During those times that a Member of the Legislature is  
10 required to be in Sacramento to attend a session of the Legislature  
11 and during those times that a member is traveling to and from, or  
12 is in attendance at, any meeting of a committee of which he or she  
13 is a member or is attending to any other legislative function or  
14 responsibility as authorized or directed by the rules of the house  
15 of which he or she is a member or by the joint rules, he or she shall  
16 be entitled to reimbursement of his or her living expenses at a rate  
17 established by the ~~California Victim Compensation and~~  
18 ~~Government Claims Board~~ Department of General Services that  
19 is not less than the rate provided to federal employees traveling to  
20 Sacramento.

21 *SEC. 65. Article 5.2 (commencing with Section 9112) is added*  
22 *to Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government*  
23 *Code, to read:*

24  
25 *Article 5.2. State Capitol Building Annex Act of 2016*  
26

27 9112. (a) Notwithstanding any other law, including Section  
28 9108, the Joint Rules Committee may pursue the construction of  
29 a state capitol building annex or the restoration, rehabilitation,  
30 renovation, or reconstruction of the State Capitol Building Annex  
31 described in Section 9105.

32 (b) (1) All work performed pursuant to this article shall be  
33 administered and supervised by the Department of General  
34 Services, subject to review by the State Public Works Board,  
35 pursuant to an agreement with the Joint Rules Committee.

36 (2) The Department of General Services shall report to the Joint  
37 Rules Committee on the scope, budget, delivery method, and  
38 schedule for any space to be constructed, restored, rehabilitated,  
39 renovated, or reconstructed pursuant to this article.

1     (c) (1) Notwithstanding any other law, any action or proceeding  
2     alleging that a public agency has approved or is undertaking work  
3     pursuant to this article in violation of the California Environmental  
4     Quality Act (Division 13 (commencing with Section 21000) of the  
5     Public Resources Code) shall be subject to Chapter 6.7  
6     (commencing with Section 21189.50) of Division 13 of the Public  
7     Resources Code.

8     (2) The State Public Works Board shall not be deemed a lead  
9     or responsible agency for purposes of the California Environmental  
10    Quality Act (Division 13 (commencing with Section 21000) of the  
11    Public Resources Code) for any activities under this article. This  
12    section is declarative of existing law.

13    (d) Notwithstanding any other law, all work performed pursuant  
14    to this article by the Department of General Services shall be  
15    exempt from the State Contract Act (Chapter 1 (commencing with  
16    Section 10100) of Part 2 of Division 2 of the Public Contract  
17    Code).

18    (e) Prevailing wages shall be paid to all workers employed on  
19    a project that is subject to this article, in accordance with Article  
20    2 (commencing with Section 1770) of Chapter 1 of Part 7 of  
21    Division 2 of the Labor Code.

22    SEC. 66. Section 11007.6 of the Government Code is amended  
23    to read:

24    11007.6. Any state agency may, subject to rules and regulations  
25    of the ~~California Victim Compensation and Government Claims~~  
26    ~~Board~~, Department of General Services, insure its officers and  
27    employees not covered by Part 2.6 (commencing with Section  
28    19815) of Division 5 against injury or death incurred while flying  
29    on state business in any, except regularly scheduled, passenger  
30    aircraft.

31    SEC. 67. Section 11014 of the Government Code is amended  
32    to read:

33    11014. (a) In exercising the powers and duties granted to and  
34    imposed upon it, any state agency may construct and maintain  
35    communication lines as may be necessary.

36    (b) In providing communications and necessary powerlines in  
37    connection with activities under subdivision (a), the agency, with  
38    the approval of the Department of General Services, may enter  
39    into contracts with owners of similar facilities for use of their  
40    facilities, such as pole lines, and provisions may be made for

1 indemnification and holding harmless of the owners of those  
2 facilities by reason of this use. Insurance may be purchased by the  
3 Department of General Services, upon request of the agency, to  
4 protect the state against loss or expense arising out of the contract.

5 (c) Any claim for damages arising against the state under this  
6 section shall be presented to the ~~California Victim Compensation~~  
7 ~~and Government Claims Board~~ *Department of General Services*  
8 in accordance with Sections 905.2 and 945.4, and if not covered  
9 by insurance as provided under subdivision (b), the claim shall be  
10 payable only out of funds appropriated by the Legislature for this  
11 purpose. If the state elects to insure its liability under this section,  
12 the ~~California Victim Compensation and Government Claims~~  
13 ~~Board~~ *Department of General Services* may automatically deny  
14 that claim.

15 *SEC. 68. Section 11030.1 of the Government Code is amended*  
16 *to read:*

17 11030.1. When a state employee not covered by Part 2.6  
18 (commencing with Section 19815) of Division 5 dies while  
19 traveling on official state business, the state shall, under rules and  
20 regulations adopted by the ~~California Victim Compensation and~~  
21 ~~Government Claims Board~~, *Department of General Services*, pay  
22 the traveling expenses necessary to return the body to his or her  
23 official headquarters or the place of burial. This subdivision shall  
24 not be construed to authorize the payment of the traveling expenses,  
25 either going or returning, of one accompanying that body.

26 *SEC. 69. Section 11030.2 of the Government Code is amended*  
27 *to read:*

28 11030.2. Any state officer or employee not covered by Part  
29 2.6 (commencing with Section 19815) of Division 5 when working  
30 overtime at his or her headquarters on state business may receive  
31 his or her actual and necessary expenses, during his or her regular  
32 workweek, subject to rules and regulations adopted by the  
33 ~~California Victim Compensation and Government Claims Board~~  
34 *Department of General Services* limiting the amount of the  
35 expenses and prescribing the conditions under which the expenses  
36 may be paid. However, each state agency may determine the  
37 necessity for and limit these expenses of its employees in a manner  
38 that does not conflict with and is within the limitations prescribed  
39 by the ~~California Victim Compensation and Government Claims~~  
40 ~~Board~~, *Department of General Services*.

1     *SEC. 70. Section 11031 of the Government Code is amended*  
2     *to read:*

3     11031. The headquarters of elective constitutional officers,  
4     other than Members of the Legislature, shall be established by the  
5     filing of a written statement with the ~~California Victim~~  
6     ~~Compensation and Government Claims Board~~ *Department of*  
7     *General Services* that certifies that the selected headquarters is the  
8     place where the officer spends the largest portion of his or her  
9     regular workdays or working time.

10    *SEC. 71. Section 11125.7 of the Government Code is amended*  
11    *to read:*

12    11125.7. (a) Except as otherwise provided in this section, the  
13    state body shall provide an opportunity for members of the public  
14    to directly address the state body on each agenda item before or  
15    during the state body's discussion or consideration of the item.  
16    This section is not applicable if the agenda item has already been  
17    considered by a committee composed exclusively of members of  
18    the state body at a public meeting where interested members of  
19    the public were afforded the opportunity to address the committee  
20    on the item, before or during the committee's consideration of the  
21    item, unless the item has been substantially changed since the  
22    committee heard the item, as determined by the state body. Every  
23    notice for a special meeting at which action is proposed to be taken  
24    on an item shall provide an opportunity for members of the public  
25    to directly address the state body concerning that item prior to  
26    action on the item. In addition, the notice requirement of Section  
27    11125 shall not preclude the acceptance of testimony at meetings,  
28    other than emergency meetings, from members of the public if no  
29    action is taken by the state body at the same meeting on matters  
30    brought before the body by members of the public.

31    (b) The state body may adopt reasonable regulations to ensure  
32    that the intent of subdivision (a) is carried out, including, but not  
33    limited to, regulations limiting the total amount of time allocated  
34    for public comment on particular issues and for each individual  
35    speaker.

36    (c) (1) Notwithstanding subdivision (b), when a state body  
37    limits time for public comment the state body shall provide at least  
38    twice the allotted time to a member of the public who utilizes a  
39    translator to ensure that non-English speakers receive the same  
40    opportunity to directly address the state body.

(2) Paragraph (1) shall not apply if the state body utilizes simultaneous translation equipment in a manner that allows the state body to hear the translated public testimony simultaneously.

(d) The state body shall not prohibit public criticism of the policies, programs, or services of the state body, or of the acts or omissions of the state body. Nothing in this subdivision shall confer any privilege or protection for expression beyond that otherwise provided by law.

(e) This section is not applicable to closed sessions held pursuant to Section 11126.

(f) This section is not applicable to decisions regarding proceedings held pursuant to Chapter 5 (commencing with Section 11500), relating to administrative adjudication, or to the conduct of those proceedings.

(g) This section is not applicable to hearings conducted by the California Victim Compensation and Government Claims Board pursuant to Sections 13963 and 13963.1.

(h) This section is not applicable to agenda items that involve decisions of the Public Utilities Commission regarding adjudicatory hearings held pursuant to Chapter 9 (commencing with Section 1701) of Part 1 of Division 1 of the Public Utilities Code. For all other agenda items, the commission shall provide members of the public, other than those who have already participated in the proceedings underlying the agenda item, an opportunity to directly address the commission before or during the commission's consideration of the item.

*SEC. 72. Section 11125.8 of the Government Code is amended to read:*

11125.8. (a) Notwithstanding Section 11131.5, in any hearing that the California Victim Compensation and Government Claims Board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, no notice, agenda, announcement, or report required under this article need identify the applicant.

(b) In any hearing that the board conducts pursuant to Section 13963.1 and that the applicant or applicant's representative does not request be open to the public, the board shall disclose that the hearing is being held pursuant to Section 13963.1. That disclosure shall be deemed to satisfy the requirements of subdivision (a) of Section 11126.3.



1     *SEC. 73. Section 11270 of the Government Code is amended*  
2     *to read:*

3     11270. As used in this article, “administrative costs” means  
4     the amounts expended by the Legislature, the Legislative Counsel  
5     Bureau, the Governor’s Office, the Department of Technology,  
6     the Office of Planning and Research, the Department of Justice,  
7     the State Controller’s Office, the State Treasurer’s Office, the State  
8     Personnel Board, the Department of Finance, the *Department of*  
9     Financial Information System for California, the Office of  
10    Administrative Law, the Department of Human Resources, the  
11    Secretary of California Health and Human Services, the California  
12    State Auditor’s Office, and the California State Library, and a  
13    proration of any other cost to or expense of the state for services  
14    or facilities provided for the Legislature and the above agencies,  
15    for supervision or administration of the state government or for  
16    services to other state agencies.

17    *SEC. 74. Section 11270.1 of the Government Code is amended*  
18    *to read:*

19    11270.1. (a) The Central Service Cost Recovery Fund is hereby  
20    created in the State Treasury. The Central Service Cost Recovery  
21    Fund shall consist of those amounts transferred in accordance with  
22    Section 11274, and any interest earnings. Money in the Central  
23    Service Cost Recovery Fund shall be appropriated for the  
24    administration of the state government, as determined or  
25    redetermined by the ~~Director~~ *Department of Finance* in accordance  
26    with this article and Sections 13332.02 and 13332.03.

27    (b) Unless otherwise authorized by law, moneys in the Central  
28    Service Cost Recovery Fund, to the extent not currently required  
29    to fund any appropriation, shall not be used, loaned, borrowed,  
30    assessed, allocated, or transferred unless approved by the ~~Director~~  
31    *Department of Finance*, except for cashflow borrowing by the  
32    General Fund pursuant to Section 16310. The Controller shall  
33    transfer the unexpended balance of those moneys in the Central  
34    Service Cost Recovery Fund to the General Fund as determined  
35    or redetermined by the ~~Director~~ *Department of Finance*.

36    *SEC. 75. Section 11274 of the Government Code is amended*  
37    *to read:*

38    11274. ~~(a)~~ *Notwithstanding any other law, the Department of*  
39    *Finance may allocate and charge a fair share of the administrative*  
40    *costs to all funds directly.* The Department of Finance shall certify

1 annually to the Controller the amount determined to be the fair  
2 share of administrative costs due and payable from each state  
3 agency and shall certify forthwith to the Controller any amount  
4 redetermined to be the fair share of administrative costs due and  
5 payable from any state agency. The Controller shall forthwith  
6 transmit to each state agency from which administrative costs have  
7 been determined or redetermined to be due, a statement in writing  
8 setting forth the amount of the administrative costs due from the  
9 state agency, and stating that, unless a written request to defer  
10 payment thereof is filed by the state agency with the Controller  
11 within 30 days after the mailing of the statement by the Controller  
12 to the state agency, fund. The Department of Finance, at any time  
13 during the year, may direct the Controller to advance a reasonable  
14 amount for administrative costs from a fund designated in  
15 accordance with Section 11271. Upon order of the Department of  
16 Finance of the timing and the amounts to be transferred, the  
17 Controller will shall transfer the amount of the administrative costs  
18 from the special fund or and nongovernmental cost funds  
19 chargeable therewith to the Central Service Cost Recovery Fund  
20 or the General Fund, in accordance with subdivision (b). The  
21 Controller shall specify on the statement the special fund  
22 appropriations to be charged at the time transfers are made covering  
23 the administrative costs. Fund.

24 (b) The Controller shall transfer one-fourth of the amount  
25 determined or redetermined, in accordance with subdivision (a);  
26 on August 15, November 15, February 15, and May 15 of each  
27 fiscal year, unless revised by the Department of Finance. The  
28 transfers made pursuant to this section and Section 13332.03 shall  
29 first be made to the Central Service Cost Recovery Fund until the  
30 total amount transferred equals the sum of the total amount  
31 determined or redetermined in accordance with subdivision (a)  
32 and the total amount to be recovered from the federal government  
33 pursuant to Section 13332.02 as determined by the Department of  
34 Finance. All subsequent transfers for that fiscal year shall then be  
35 made to the General Fund.

36 SEC. 76. Section 11275 of the Government Code is amended  
37 to read:

38 11275. If, upon receipt of the statement provided in Section  
39 11274, the state agency does not have funds available by law In  
40 the event a fund has an insufficient fund balance for the payment

1 of the administrative costs, or if it has any other reason why the  
2 payment of those costs should not be made at the time specified  
3 on the statement, the state agency shall, prior to the expiration of  
4 the 30-day period referred to in the statement, file with the  
5 Controller, in duplicate, a written request to defer payment of those  
6 administrative costs, which request shall set forth the reasons why  
7 that payment should be deferred. Upon receipt of any request filed  
8 because of lack of availability of funds, the Controller shall  
9 forthwith transmit one copy of that request to the Department of  
10 Finance and shall defer action to effect the transfer of funds  
11 covering the administrative costs referred to in the request until  
12 the transfer has been approved by the Director of Finance. The  
13 Department of Finance shall notify the Controller of the approval  
14 of the deferral request. Upon receipt of any request filed because  
15 of any reason other than lack of availability of funds, the Controller  
16 shall forthwith transmit one copy of that request to the California  
17 Victim Compensation and Government Claims Board and shall  
18 defer action to effect the transfer of funds until that transfer has  
19 been approved by the California Victim Compensation and  
20 Government Claims Board. *the Controller shall request that the*  
21 *Department of Finance provide direction on effecting the transfer*  
22 *and its timing.*

23 *SEC. 77. Section 11276 of the Government Code is repealed.*

24 ~~11276. The Department of Finance may certify at any time~~  
25 ~~during the year to the Controller any amount as it determines,~~  
26 ~~based upon experience of the preceding year, to be a reasonable~~  
27 ~~advance for administrative costs to be made from the appropriation~~  
28 ~~of each state agency supported from a fund, designated in~~  
29 ~~accordance with Section 11271. The Controller shall forthwith~~  
30 ~~transmit to each of these state agencies a statement in writing~~  
31 ~~setting forth the amount of the advance and stating that unless a~~  
32 ~~written request to defer payment thereof because of lack of~~  
33 ~~availability of funds is filed by the state agency with the~~  
34 ~~Department of Finance within 30 days after the mailing of the~~  
35 ~~statement by the Controller to the state agency, the Controller will~~  
36 ~~transfer the amount of the advance from the special fund or funds~~  
37 ~~concerned to the Central Service Cost Recovery Fund or the~~  
38 ~~General Fund in accordance with subdivision (b) of Section 11274.~~  
39 ~~The Controller shall specify on the statement the special fund~~  
40 ~~appropriation to be charged.~~

1     *SEC. 78. Section 11277 of the Government Code is repealed.*

2     ~~11277. If, upon receipt of the statement provided in Section~~  
3 ~~11276, the state agency does not have funds available by law for~~  
4 ~~the payment of the advance, the state agency shall, prior to the~~  
5 ~~expiration of the 30-day period referred to in that statement, file~~  
6 ~~with the Controller, in duplicate, a written request to defer payment~~  
7 ~~of the advance. Upon receipt of such a request, the Controller shall~~  
8 ~~forthwith transmit one copy of that request to the Department of~~  
9 ~~Finance and shall defer action to effect the transfer of funds~~  
10 ~~covering the advance referred to in the request until the transfer~~  
11 ~~has been approved by the Director of Finance. Any advance made~~  
12 ~~under this article shall be applied against the state agency's fair~~  
13 ~~share of administrative costs determined or redetermined as~~  
14 ~~provided in Section 11274 and Section 11275. If the amount~~  
15 ~~advanced exceeds the state agency's fair share of administrative~~  
16 ~~costs, the Controller shall transfer from the Central Service Cost~~  
17 ~~Recovery Fund or the General Fund, as applicable, to the special~~  
18 ~~fund appropriation the excess amount advanced as directed by the~~  
19 ~~Department of Finance.~~

20     *SEC. 79. Section 11852 of the Government Code is amended*  
21 *to read:*

22     11852. For purposes of this chapter, the following terms shall  
23 have the following meanings:

24     (a) "Approved FISCAl Project documents" means any Special  
25 Project Report approved by the Department of Technology, or its  
26 successor agency, for the FISCAl, as may be amended, augmented,  
27 or changed by any subsequent approved Special Project Report or  
28 legislative action.

29     (b) "Cost or costs of the FISCAl system" means all costs related  
30 to the acquisition, design, development, installation, ~~and~~  
31 ~~deployment, maintenance, operation, and enhancement and other~~  
32 *related costs* of the system, including, but not limited to, software,  
33 hardware, licenses, upgrades, training, facilities, contractors, and  
34 staff.

35     (c) "Cost allocation plan" means the plan described in Section  
36 11874.

37     (d) "Department" means the Department of FISCAl established  
38 pursuant to Section 11890.

39     (e) "Director" means the Director of FISCAl appointed pursuant  
40 to Section 11894.

~~(d)~~

(f) “FISCAL” means the Financial Information System for California.

(g) “FISCAL Consolidated Payment Fund” means the fund created pursuant to subdivision (a) of Section 11872.

~~(e)~~

(h) “FISCAL Internal Services Fund” means the fund created pursuant to Section 11870.

~~(f) “FISCAL Service Center” means the entity created pursuant to Section 11890.~~

~~(g)~~

(i) “Interface” means to communicate or interoperate with the FISCAL system.

~~(h)~~

(j) “Office” means the FISCAL project office.

(k) “Partner agencies” means the Department of Finance, the Controller, the Department of General Services, and the Treasurer.

~~(i)~~

(l) “State departments and agencies” means all state offices, officers, departments, divisions, bureaus, boards, commissions, organizations, or agencies, claims against which are paid by warrants drawn by the Controller, and whose financial activities are reported in the annual financial statement of the state or are included in the annual Governor’s Budget, including, but not limited to, the California State University, the University of California, the legislative branch, and the judicial branch.

~~(j)~~

(m) “System” or “FISCAL system” means a single integrated financial management system for the state that encompasses the management of resources and dollars as described in the approved FISCAL Project documents and includes the information required by Section 11862.

SEC. 80. Section 11854 of the Government Code is amended to read:

11854. The Legislature intends that the FISCAL system meet all of the following objectives:

(a) Replace the state’s aging legacy financial management systems and eliminate fragmented and diverse reporting by implementing standardized financial management processes and systems across all departments and control agencies. For purposes

1 of this subdivision, “financial management” means accounting,  
2 budgeting, cash management, asset accounting, vendor  
3 management, and procurement.

4 (b) Increase competition by promoting business opportunities  
5 through the use of electronic bidding, online vendor interaction,  
6 and automated vendor functions.

7 (c) Maintain a central source for financial management data to  
8 reduce the time and expense of vendors, departments, and agencies  
9 collecting, maintaining, and reconciling redundant data.

10 (d) Increase investment returns through timely and accurate  
11 monitoring of cash balances, ~~cashflow~~ *cash flow* forecasting, and  
12 timing of receipts and disbursements.

13 (e) Improve fiscal controls and support better ~~decisionmaking~~  
14 *decision making* by state managers and the Legislature by  
15 enhancing the quality, timeliness, consistency, and accessibility  
16 of financial management information through the use of powerful  
17 data access tools, standardized data, and financial management  
18 reports.

19 (f) Improve access and transparency of California’s financial  
20 management information allowing the implementation of increased  
21 auditing, compliance reporting, and fiscal accountability while  
22 sharing information between the public, the Legislature, external  
23 stakeholders, state, federal, and local agencies.

24 (g) Automate manual processes by providing the ability to  
25 electronically receive and submit financial management documents  
26 and data between agencies, departments, banks, vendors, and other  
27 government entities.

28 (h) Provide online access to financial management information  
29 resulting in a reduction of payment or approval inquiries, or both.

30 (i) Improve the state’s ability to preserve, access, and analyze  
31 historical financial management information to reduce the workload  
32 required to research and prepare this information.

33 (j) Enable the state to more quickly implement, track, and report  
34 on changes to financial management processes and systems to  
35 accommodate new information such as statutory changes and  
36 performance information.

37 (k) Reduce the time, workload, and costs associated with  
38 capturing and projecting revenues, expenditures, and program  
39 needs for multiple years and scenarios, and for tracking, reporting,  
40 and responding to legislative actions.

1 (l) Track purchase volumes and costs by vendor and commodity  
2 code or service code to increase strategic sourcing opportunities,  
3 reduce purchase prices, and capture total state spending data.

4 (m) Reduce procurement cycle time by automating purchasing  
5 authority limits and approval dependencies, and easing access to  
6 goods and services available from existing sources, including, but  
7 not limited to, using leveraged procurement agreements.

8 (n) Streamline the accounts receivable collections process and  
9 allow for offset capability which will provide the ability for  
10 increased cash collection.

11 (o) Streamline the payment process and allow for faster vendor  
12 payments that will reduce late payment penalty fees paid by the  
13 state.

14 (p) Improve role-based security and workflow authorization by  
15 capturing near real-time data from the state's human resources  
16 system of record.

17 (q) Implement a stable and secure information technology  
18 infrastructure.

19 *SEC. 81. Section 11860 of the Government Code is amended*  
20 *to read:*

21 11860. (a) To serve the best interest of the state by optimizing  
22 the financial business management of the state, the ~~Department of~~  
23 ~~Finance, the Controller, the Treasurer, and the Department of~~  
24 ~~General Services~~ *partner agencies* shall collaboratively develop,  
25 implement, ~~utilize, and utilize the system~~ and *assist the department*  
26 *to maintain the FISCAl system.* This effort will ensure best business  
27 practices by embracing opportunities to reengineer the state's  
28 business processes and will encompass the management of  
29 resources and funds in the areas of budgeting, accounting,  
30 procurement, cash management, financial management, financial  
31 reporting, cost accounting, asset accounting, project accounting,  
32 and grant accounting.

33 (b) ~~(1) All state~~ *State* departments and agencies shall use the  
34 ~~FISCAl~~ system, or, upon approval from the office, a department  
35 or agency shall be permitted to interface its *departmental* system  
36 with the ~~FISCAl~~ system. The ~~FISCAl~~ system is intended to replace  
37 any existing central or departmental systems duplicative of the  
38 functionality of the ~~FISCAl~~ system.

39 ~~(2) The FISCAl system shall first be developed and implemented~~  
40 ~~with a select number of state departments and agencies, as selected~~

1 by the office. Once the FISCAL system has developed end-to-end  
2 processes that meet the financial management needs of the state  
3 and has been determined by the office to be effective, operationally  
4 efficient, and secure, the FISCAL system shall be further  
5 implemented, in phases, as more fully described in the approved  
6 FISCAL project documents, at all remaining state departments and  
7 agencies.

8 *SEC. 82. Section 11862 of the Government Code is amended*  
9 *to read:*

10 11862. (a) In addition to the requirements set forth in the  
11 approved FISCAL project documents, the FISCAL system shall  
12 include a state budget transparency component that allows the  
13 public to have information regarding General Fund and federal  
14 fund expenditure data, using an Internet Web site, by including all  
15 of the following information for each General Fund and federal  
16 fund expenditure: *site*.

17 (1) The name and principal location of each entity or other  
18 recipient of the funds.

19 (2) The amount of expenditure.

20 (3) The type of transaction.

21 (4) The identity of the state department or agency making the  
22 expenditure.

23 (5) The budget program source for the expenditure.

24 (6) A brief description of the purpose for the expenditure.

25 (7) A brief description of any item purchased pursuant to the  
26 expenditure.

27 (b) This section shall not require the disclosure of information  
28 deemed confidential or otherwise exempt from disclosure under  
29 state or federal law.

30 *SEC. 83. Section 11864 of the Government Code is amended*  
31 *to read:*

32 11864. (a) Throughout the development of the FISCAL system,  
33 the California State Auditor's Office shall independently monitor  
34 the FISCAL system as the California State Auditor deems  
35 appropriate. The California State Auditor's Office independent  
36 monitoring of the FISCAL system shall include, but not be limited  
37 to, all of the following:

38 (1) Monitoring the contract for independent project oversight  
39 and independent verification and validation services relating to  
40 the FISCAL system.



1 (2) Assessing whether concerns about the ~~FISC~~ project system  
2 raised by the independent project oversight and independent  
3 verification and validation services are being addressed by the  
4 office and the steering committee of the office.

5 (3) Assessing whether the ~~FISC~~ system is progressing timely  
6 and within its budget.

7 (b) The California State Auditor's Office shall report, at a  
8 minimum, on or before January 10 of each year, on the ~~FISC~~  
9 system activities that the California State Auditor's Office deems  
10 appropriate to monitor pursuant to this section in a manner  
11 consistent with Chapter 6.5 (commencing with Section 8543) of  
12 Division 1.

13 (c) This section shall not supersede or compromise the  
14 Department of Technology's oversight authority and  
15 responsibilities with respect to the ~~FISC~~ system.

16 (d) *This section shall remain operative until the completion of*  
17 *the system, as specified in paragraph (2) of subdivision (a) of*  
18 *Section 11890, and thereafter shall be inoperative.*

19 SEC. 84. *Section 11870 of the Government Code is amended*  
20 *to read:*

21 11870. The FISC Internal Services Fund continues in  
22 existence in the State Treasury to pay the costs of development,  
23 implementation, ~~operations, and maintenance~~ and other approved  
24 costs of the ~~FISC System~~ system. All assets, liabilities, and  
25 surplus shall remain in the FISC Internal Services Fund. The  
26 Department of Finance shall make the final determination of the  
27 budgetary and accounting transactions that are required to carry  
28 out this section. Accounts and subaccounts may be created within  
29 the FISC Internal Services Fund as needed. Moneys in the FISC  
30 Internal Services Fund, and its accounts and subaccounts, are  
31 available for ~~cash flow~~ cash flow borrowing by the General Fund  
32 pursuant to Section 16310.

33 SEC. 85. *Section 11872 of the Government Code is amended*  
34 *to read:*

35 11872. (a) The FISC Consolidated Payment Fund is created  
36 in the State Treasury for the purpose of allowing the Controller to  
37 issue consolidated payments, excluding payroll, to any payee, of  
38 costs that are chargeable to appropriations made from other funds  
39 in the State Treasury, thereby allowing for efficient processing  
40 through the ~~FISC~~ system of payments.

(b) The amounts to be disbursed from the FISCAL Consolidated Payment Fund shall be transferred by the Controller, from the funds and appropriations otherwise chargeable therewith, to the FISCAL Consolidated Payment Fund prior to the time of disbursement. All amounts in the FISCAL Consolidated Payment Fund that are derived from abatements, refunds of amounts disbursed, returned warrants, or the cancellation of warrants issued from the FISCAL Consolidated Payment Fund shall be returned by the Controller to the funds and appropriations from which the amounts were originally transferred.

SEC. 86. *Section 11874 of the Government Code is amended to read:*

11874. (a) ~~The office, department,~~ subject to the approval of the Department of Finance, shall establish and assess fees and a payment schedule for state departments and agencies ~~to use or interface with the FISCAL pay for the design, development, and implementation of the system. The fees shall recover the costs of the FISCAL system, including, but not limited to, the ongoing maintenance and operation costs of the FISCAL system and shall be deposited in the FISCAL Internal Services Fund. The fees shall be based on an interim cost allocation plan until statistically valid usage data is available.~~

(b) ~~The office department~~ shall submit the cost allocation plan, including the methodology used to develop fees, to the Department of Finance during the state's annual budget development processes for review and approval. The office shall submit any proposed changes in fees or methodology to the Department of Finance concurrently with budget requests.

SEC. 87. *Section 11880 of the Government Code is amended to read:*

11880. (a) ~~The office and the FISCAL Service Center department~~ shall require fingerprint images and associated information from any employee, prospective employee, contractor, subcontractor, volunteer, vendor, and partner agency employee assigned to either the office or ~~the FISCAL Service Center department~~ whose duties include, or would include, having access to confidential or sensitive information or data on the network or computing infrastructure.

(b) The fingerprint images and associated information described in subdivision (a) shall be furnished to the Department of Justice

1 for the purpose of obtaining information as to the existence and  
2 nature of any of the following:

3 (1) A record of state or federal convictions and the existence  
4 and nature of state or federal arrests for which the person is free  
5 on bail or on his or her own recognizance pending trial or appeal.

6 (2) Being convicted of, or pleading nolo contendere to, a crime,  
7 or having committed an act involving dishonesty, fraud, or deceit,  
8 if the crime or act is substantially related to the qualifications,  
9 functions, or duties of the person in accordance with this provision.

10 (3) Any conviction or arrest, for which the person is free on bail  
11 or on his or her own recognizance pending trial or appeal, with a  
12 reasonable nexus to the information or data to which the person  
13 shall have access.

14 (c) Requests for federal criminal offender record information  
15 received by the Department of Justice pursuant to this section shall  
16 be forwarded to the Federal Bureau of Investigation by the  
17 Department of Justice.

18 (d) The Department of Justice shall respond to the Chief of  
19 Human Resources of the office or the ~~FISCAL Service Center~~  
20 *department* with information as provided under subdivision (p) of  
21 Section 11105 of the Penal Code.

22 (e) The Chief of Human Resources of the office or the ~~FISCAL~~  
23 ~~Service Center~~ *department* shall request subsequent arrest  
24 notifications from the Department of Justice as provided under  
25 Section 11105.2 of the Penal Code.

26 (f) The Department of Justice may assess a fee sufficient to  
27 cover the processing costs required under this section, as authorized  
28 pursuant to subdivision (e) of Section 11105 of the Penal Code.

29 (g) Persons described in subdivision (a) may be rejected if it is  
30 determined they meet the criteria described in paragraph (2) or (3)  
31 of subdivision (b). If a person is rejected, the individual shall  
32 receive a copy of the response record from the Chief of Human  
33 Resources of the office or the ~~FISCAL Service Center~~ *department*.

34 (h) The Chief of Human Resources of the office or the ~~FISCAL~~  
35 ~~Service Center~~ *department* shall follow a written appeal process  
36 for an individual described in subdivision (a) who is determined  
37 ineligible for employment because of his or her Department of  
38 Justice or Federal Bureau of Investigation criminal offender record.

39 (i) When considering the background information received  
40 pursuant to this section, the Chief of Human Resources of the

1 office or the ~~FISCAL Service Center~~ department shall take under  
2 consideration any evidence of rehabilitation, including, but not  
3 limited to, participation in treatment programs and age and specifics  
4 of the offense.

5 SEC. 88. *The heading of Article 5 (commencing with Section*  
6 *11890) of Chapter 10 of Part 1 of Division 3 of Title 2 of the*  
7 *Government Code is amended to read:*

8  
9 Article 5. ~~FISCAL Service Center~~ Department of FISCAL

10  
11 SEC. 89. *Section 11890 of the Government Code is amended*  
12 *to read:*

13 11890. (a) (1) There is in state government the ~~FISCAL Service~~  
14 ~~Center~~ Department of FISCAL.

15 (2) (A) *Upon the acceptance of the system by the state, as*  
16 *determined by the Director of Finance in his or her capacity as*  
17 *the system sponsor, the Department of FISCAL shall be within the*  
18 *Government Operations Agency.*

19 (B) *The director shall post a notice on the Internet Web site of*  
20 *the Department of FISCAL when the Director of Finance accepts*  
21 *the system in accordance with subparagraph (A).*

22 (b) *The Department of FISCAL shall maintain, upgrade, or*  
23 *otherwise enhance and support the system, provide operational*  
24 *support to the customers and stakeholders of the system, and*  
25 *onboard any new, deferred, or exempt state entities.*

26 SEC. 90. *Section 11892 of the Government Code is amended*  
27 *to read:*

28 11892. (a) ~~Consistent with the FISCAL Service Center Charter,~~  
29 ~~the FISCAL Service Center~~ *The department* shall incrementally  
30 assume responsibility of the ~~FISCAL~~ system functionality as portions  
31 of the ~~FISCAL~~ system are implemented and accepted.

32 (b) ~~The FISCAL Service Center~~ department shall provide the  
33 administrative functions for the ~~FISCAL~~ system, including those  
34 functions of the office, during its existence.

35 (c) The office and the ~~FISCAL Service Center~~ department shall  
36 exist concurrently during the phased implementation of the ~~FISCAL~~  
37 system. Upon full implementation and final acceptance of the  
38 ~~FISCAL~~ system, the ~~FISCAL Service Center~~ department shall  
39 *supersede the office and perform all maintenance administration,*  
40 *maintenance, and operation of the FISCAL system.*

1     *SEC. 91. Section 11893 is added to the Government Code, to*  
2     *read:*

3     *11893. The administrative costs, as defined in Section 11270,*  
4     *of the Department of FISCAl shall be allocated to and recovered*  
5     *from funds in a manner consistent with Section 11274.*

6     *SEC. 92. Section 11894 of the Government Code is amended*  
7     *to read:*

8     ~~11894. The FISCAl Executive Partner~~ *(a) The Director of*  
9     *FISCAl shall be appointed by, and serve at the pleasure of, the*  
10    *Governor, subject to Senate confirmation.*

11    *(b) The director shall have appointment power for both the*  
12    *office and the FISCAl Service Center department and shall oversee*  
13    *the day-to-day functions of both the office and the FISCAl Service*  
14    ~~*Center. department. The FISCAl Executive Partner director shall*~~  
15    *identify and transfer staff from the office to the FISCAl Service*  
16    ~~*Center department to further performance of the duties specified*~~  
17    *in Section 11892, in accordance with Section 19050.9.*

18    *SEC. 93. Section 11895 is added to the Government Code, to*  
19    *read:*

20    *11895. (a) The director shall, at least annually, confer with*  
21    *the partner agencies and at least one representative of other*  
22    *agencies utilizing the system to prioritize system enhancements,*  
23    *defects, and workarounds.*

24    *(b) The director retains the discretion and ultimate authority*  
25    *on the implementation of changes in the system.*

26    *SEC. 94. Section 12432 of the Government Code is amended*  
27    *to read:*

28    ~~12432. (a) The Legislature hereby finds and declares that it is~~  
29    *essential for the state to replace the current automated human*  
30    *resource/payroll systems operated by the Controller to ensure that*  
31    *state employees continue to be paid accurately and on time and*  
32    *that the state may take advantage of new capabilities and improved*  
33    *business practices. To achieve this replacement of the current*  
34    *systems, the Controller is authorized to procure, modify, and*  
35    *implement a new human resource management system that meets*  
36    *the needs of a modern state government. This replacement effort*  
37    ~~*is known as the 21st Century Project.*~~

38    ~~(b) Notwithstanding any other law, beginning with the 2004–05~~  
39    *fiscal year, the Controller may assess the special and*  
40    *nongovernmental cost funds in sufficient amounts to pay for the*

1 authorized 21st Century Project costs that are attributable to those  
2 funds. Assessments in support of the expenditures for the 21st  
3 Century Project shall be made quarterly, and the total amount  
4 assessed from these funds annually shall not exceed the total  
5 expenditures incurred by the Controller for the 21st Century Project  
6 that are attributable to those funds in that fiscal year.  
7 Appropriations for this purpose shall be made in the annual Budget  
8 Act.

9 (c) To the extent permitted by law, beginning with the 2004–05  
10 fiscal year, the Controller shall establish agreements with various  
11 agencies and departments for the collection from federal funds of  
12 costs that are attributable to federal funds. The total amount  
13 collected from those agencies and departments annually shall not  
14 exceed the total expenditures incurred by the Controller for the  
15 21st Century Project that are attributable to federal funds in that  
16 fiscal year. Appropriations for that purpose shall be made in the  
17 annual Budget Act.

18 (d) It is the intent of the Legislature that, beginning not earlier  
19 than the 2006–07 fiscal year, future annual Budget Acts include  
20 General Fund appropriations in sufficient amounts for expenditures  
21 for the 21st Century Project that are attributable to the General  
22 Fund. It is the Legislature’s intent that the share of the total project  
23 costs paid for by the General Fund shall be equivalent to the share  
24 of the total project costs paid for from special and nongovernmental  
25 cost fund assessments and collections from federal funds.

26 (e) This section shall remain in effect only until June 30, ~~2016~~,  
27 ~~2017~~, and as of that date is repealed.

28 *SEC. 95. The heading of Article 2.5 (commencing with Section*  
29 *12433) is added to Chapter 5 of Part 2 of Division 3 of Title 2 of*  
30 *the Government Code, to read:*

31  
32 *Article 2.5. Discharge of State Entity from Duty to Collect*  
33

34 *SEC. 96. Section 12803.2 of the Government Code is amended*  
35 *to read:*

36 12803.2. (a) The Government Operations Agency shall consist  
37 of all of the following:

- 38 (1) The Office of Administrative Law.
- 39 (2) The Public Employees’ Retirement System.
- 40 (3) The State Teachers’ Retirement System.

1 (4) The State Personnel Board.

2 (5) The California Victim Compensation and Government  
3 Claims Board.

4 (6) The Department of General Services.

5 (7) The Department of Technology.

6 (8) The Franchise Tax Board.

7 (9) The Department of Human Resources.

8 *(b) The Government Operations Agency shall include the*  
9 *Department of FISCAL upon the acceptance of the Financial*  
10 *Information System for California (FISCAL) by the state, as*  
11 *determined by the Director of Finance, pursuant to Section 11890.*

12 ~~(b)~~

13 *(c) The Government Operations Agency shall be governed by*  
14 *the Secretary of Government Operations pursuant to Section 12801.*  
15 *However, the Director of Human Resources shall report directly*  
16 *to the Governor on issues relating to labor relations.*

17 ~~(e)~~

18 *(d) The Governor, upon the recommendation of the Secretary*  
19 *of Government Operations, may appoint up to three deputies for*  
20 *the secretary.*

21 *SEC. 97. Section 13300 of the Government Code is amended*  
22 *to read:*

23 13300. (a) The department shall devise, install, supervise, and,  
24 at its discretion, revise and modify, a modern and complete  
25 accounting system and policies for each agency of the state  
26 permitted or charged by law with the handling of public money or  
27 its equivalent, to the end that all revenues, expenditures, receipts,  
28 disbursements, resources, obligations, and property of the state be  
29 properly, accurately, and systematically accounted for and that  
30 there shall be obtained accurate and comparable records, reports,  
31 and statements of all the financial affairs of the state.

32 (b) This system shall permit a comparison of budgeted  
33 expenditures, actual expenditures, encumbrances and payables,  
34 and estimated revenue to actual revenue that is compatible with a  
35 budget coding system developed by the department. In addition,  
36 the system shall provide for a federal revenue accounting system  
37 with cross-references of federal fund sources to state activities.

38 (c) This system shall include a cost accounting system that  
39 accounts for expenditures by line item, governmental unit, and  
40 fund source. The system shall also be capable of performing

1 program cost accounting as required. The system and the accounts  
2 maintained by all state departments and agencies shall be  
3 coordinated with the central accounts maintained by the Controller,  
4 and shall provide the Controller with all information necessary to  
5 the maintenance by the Controller of a comprehensive system of  
6 central accounts for the entire state government.

7 ~~(d) Beginning with the 2008-09 fiscal year, the Department of~~  
8 ~~Finance, the Controller, the Treasurer, and the Department of~~  
9 ~~General Services shall partner to design, develop, and implement~~  
10 ~~the Financial Information System for California Project to meet~~  
11 ~~the requirements of subdivisions (a), (b), and (c), and the FISCAL~~  
12 ~~Project documents, as established in the FISCAL Special Project~~  
13 ~~Report dated October 30, 2006, as revised on December 14, 2006,~~  
14 ~~as amended by the FISCAL Special Project Report dated November~~  
15 ~~9, 2007, as revised on December 19, 2007, and as amended,~~  
16 ~~augmented, or changed by any subsequent approved Special Project~~  
17 ~~Report.~~

18 *SEC. 98. Section 13300.5 of the Government Code is amended*  
19 *to read:*

20 13300.5. (a) The Legislature finds and declares that the ~~project~~  
21 ~~of the FISCAL Project system~~ to modernize the state's internal  
22 financial systems is a critical project that must be subject to the  
23 highest level of oversight. According to the Department of  
24 Technology, the size and scope of this modernization and  
25 automation effort make this project one of the highest risk projects  
26 undertaken by the state. Therefore, the Legislature must take steps  
27 to ensure it is fully informed as the project is implemented. It is  
28 the intent of the Legislature to adopt additional reporting  
29 requirements for the ~~FISCAL Project Office~~ *office* to adequately  
30 manage ~~the project's~~ risk and ~~to~~ ensure the successful  
31 implementation of this effort.

32 (b) ~~The FISCAL Project Office~~ *office* shall report to the  
33 Legislature, ~~by on or before~~ February 15 of each year, ~~an update~~  
34 ~~on the project. The report shall include~~ *on* all of the following:

35 (1) An executive summary and overview of the ~~project's~~  
36 ~~system's~~ status.

37 (2) An overview of the ~~project's system's~~ history.

38 (3) Significant events of the ~~project system~~ within the current  
39 reporting period and a projection of events during the next reporting  
40 period.



1 (4) A discussion of mitigation actions being taken by the project  
2 office for any missed major milestones.

3 (5) A comparison of actual to budgeted expenditures, and an  
4 explanation of variances and any planned corrective actions,  
5 including a summary of ~~FISCAL project~~ *the system* and staffing  
6 levels and an estimate of staff participation from partner agencies.

7 (6) An articulation of expected functionality and qualitative  
8 benefits from the ~~project system~~ that were achieved during the  
9 reporting period and that are expected to be achieved in the  
10 subsequent year.

11 (7) An overview of change management activities and  
12 stakeholder engagement ~~in during the project, system~~  
13 *implementation process*, including a summary of departmental  
14 participation in the ~~FISCAL project system~~.

15 (8) A discussion of lessons learned and best practices that will  
16 be incorporated into future changes in management activities.

17 (9) A description of any significant software customization,  
18 including a justification for why, if any, customization was granted.

19 (10) Updates on the progress of meeting the ~~project system's~~  
20 objectives.

21 (c) ~~The initial report, due February 15, 2013, shall provide a~~  
22 ~~description of the approved project scope. Later reports~~ *Reports*  
23 ~~shall describe any later deviations to the project scope, cost, or~~  
24 ~~schedule. schedule from Special Project Report 6.~~

25 (d) ~~The initial report shall also provide a summary of the project~~  
26 ~~history from Special Project Report 1 to Special Project Report 4,~~  
27 ~~inclusive.~~

28 (e)

29 (d) This section shall remain in effect until a postimplementation  
30 evaluation report has been approved by the Department of  
31 Technology. The Department of Technology shall post a notice  
32 on its Internet Web site when the report is approved. *operative*  
33 *until the completion of the system, as specified in paragraph (2)*  
34 *of subdivision (a) of Section 11890, and thereafter shall be*  
35 *inoperative.*

36 (e) *The definitions in Section 11852 shall apply to the applicable*  
37 *terms in this section.*

38 SEC. 99. *Section 13332.02 of the Government Code is amended*  
39 *to read:*

13332.02. All funds recovered from the federal government to offset statewide indirect costs shall be transferred to the Central Service Cost Recovery Fund or to the ~~unappropriated surplus of the General Fund~~ in a manner prescribed by the Department of Finance, unless expenditure of the funds is authorized by the Department of Finance. No authorization may become effective sooner than 30 days after notification in writing of the necessity therefor to the chairperson of the committee in each house that considers appropriations and the Chairperson of the Joint Legislative Budget Committee, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may in each instance determine. If in the judgment of the Director of Finance, a state agency has not transferred the funds on a timely basis, the ~~director~~ *Department of Finance* may certify to the Controller the amount that the agency should have transferred to the Central Service Cost Recovery Fund or the General Fund, and the Controller shall transfer the funds to the Central Service Cost Recovery Fund or the General Fund.

*SEC. 100. Section 13332.03 of the Government Code is amended to read:*

13332.03. Whenever an appropriation has not been made to provide for recovery of general administrative costs pursuant to Article 2 (commencing with Section 11270) of Chapter 3 of Part 1, a sufficient sum for that purpose shall be transferred from each affected fund by the Controller to the Central Service Cost Recovery Fund or the ~~unappropriated surplus of the General Fund~~ in accordance with ~~subdivision (b) of~~ Section 11274. The Controller shall make transfers pursuant to this section only upon order of the ~~Director~~ *Department of Finance*.

*SEC. 101. Section 13332.09 of the Government Code is amended to read:*

13332.09. (a) A purchase order or other form of documentation for acquisition or replacement of motor vehicles shall not be issued against any appropriation until the Department of General Services has investigated and established the necessity therefor.

(b) A state agency shall not acquire surplus mobile equipment from any source for program support until the Department of General Services has investigated and established the necessity therefor.

1 (c) Notwithstanding any other law, any contract for the  
2 acquisition of a motor vehicle or general use mobile equipment  
3 for a state agency shall be made by or under the supervision of the  
4 Department of General Services. Pursuant to Section 10298 of the  
5 Public Contract Code, the Department of General Services may  
6 collect a fee to offset the cost of the services provided.

7 (d) Any passenger-type motor vehicle purchased for a state  
8 officer, except a constitutional officer, or a state employee shall  
9 be an American-made vehicle of the light class, as defined by the  
10 ~~California Victim Compensation and Government Claims Board,~~  
11 *Department of General Services*, unless excepted by the Director  
12 of General Services on the basis of unusual requirements,  
13 including, but not limited to, use by the *Department of the*  
14 *California Highway Patrol*, that would justify the need for a motor  
15 vehicle of a heavier class.

16 (e) General use mobile equipment having an original purchase  
17 price of twenty-five thousand dollars (\$25,000) or more shall not  
18 be rented or leased from a nonstate source and payment therefor  
19 shall not be made from any appropriation for the use of the  
20 Department of Transportation, without the prior approval of the  
21 Department of General Services after a determination that  
22 comparable state-owned equipment is not available, unless  
23 obtaining approval would endanger life or property, in which case  
24 the transaction and the justification for not having sought prior  
25 approval shall be reported immediately thereafter to the Department  
26 of General Services.

27 (f) As used in this section:

28 (1) "General use mobile equipment" means equipment that is  
29 listed in the Mobile Equipment Inventory of the State Equipment  
30 Council and capable of being used by more than one state agency,  
31 and shall not be deemed to refer to equipment having a practical  
32 use limited to the controlling state agency only. Section 575 of the  
33 Vehicle Code shall have no application to this section.

34 (2) "State agency" means a state agency, as defined pursuant  
35 to Section 11000. The University of California is requested and  
36 encouraged to have the Department of General Services perform  
37 the tasks identified in this section with respect to the acquisition  
38 or replacement of motor vehicles by the University of California.  
39 "State agency" does not include a district agricultural association,  
40 as defined in Section 3951 of the Food and Agricultural Code.

1 (g) This section shall become operative on July 1, 2015.

2 *SEC. 102. The heading of Part 4 (commencing with Section*  
3 *13900) of Division 3 of Title 2 of the Government Code is amended*  
4 *to read:*

5  
6 PART 4. CALIFORNIA VICTIM COMPENSATION ~~AND~~  
7 GOVERNMENT CLAIMS BOARD  
8

9 *SEC. 103. Section 13900 of the Government Code is amended*  
10 *to read:*

11 13900. (a) As used in this chapter, “board” means the  
12 California Victim Compensation ~~and Government Claims~~ Board.

13 ~~(b) Any reference in statute or regulation to the State Board of~~  
14 ~~Control shall be construed to refer to the California Victim~~  
15 ~~Compensation and Government Claims Board.~~

16 (b) Except as provided by Section 14659.01, whenever the term  
17 “California Victim Compensation and Government Claims Board”  
18 appears in any statute, regulation, contract, or any other code, it  
19 shall be construed to refer to the California Victim Compensation  
20 Board, unless the context clearly requires otherwise.

21 *SEC. 104. Section 13901 of the Government Code is amended*  
22 *to read:*

23 13901. (a) There is within the Government Operations Agency  
24 the California Victim Compensation ~~and Government Claims~~  
25 Board.

26 (b) The board consists of the Secretary of Government  
27 Operations or his or her designee and the Controller, both acting  
28 ex officio, and a third member who shall be appointed by and serve  
29 at the pleasure of the Governor. The third member may be a state  
30 officer who shall act ex officio.

31 ~~(c) Any reference in statute or regulation to the State Board of~~  
32 ~~Control shall be construed to refer to the California Victim~~  
33 ~~Compensation and Government Claims Board.~~

34 *SEC. 105. Section 13905 of the Government Code is amended*  
35 *to read:*

36 13905. The board shall have a seal, bearing the following  
37 inscription: “California Victim Compensation ~~and Government~~  
38 ~~Claims~~ Board.” The seal shall be fixed to all writs and  
39 authentications of copies of records and to other instruments that  
40 the board directs.

1     *SEC. 106. Section 13909 of the Government Code is amended*  
2     *to read:*

3     13909. (a) The board shall appoint an executive officer who  
4     shall hold office at its pleasure. It may also employ those personnel,  
5     including examiners, as it deems necessary for the performance  
6     of its duties.

7     (b) The executive officer shall execute those duties and  
8     responsibilities as may be delegated by the board. The board may,  
9     except as otherwise provided in this section, delegate any statutory  
10    power of the board to the executive officer, or any examiner,  
11    employee, or committee as the board may designate, by means of  
12    a board order that is adopted by a majority of all of the board's  
13    members and that prescribes the limits of the delegation.

14    ~~(c) This section shall not be construed to authorize the board to~~  
15    ~~delegate the authority to allow a claim filed pursuant to subdivision~~  
16    ~~(e) of Section 905.2 that exceeds fifty thousand dollars (\$50,000).~~

17    *SEC. 107. Section 13920 of the Government Code is amended*  
18    *and renumbered to read:*

19    ~~13920.~~

20    14659.08. The ~~board~~ department may adopt regulations  
21    pursuant to Chapter 3.5 (commencing with Section 11340) of Part  
22    1 of Division 3:

23    (a) Limiting the amount, time, and place of expenses and  
24    allowances to be paid to elected state officers, and officers and  
25    employees of the state provided for in Article VI of the California  
26    Constitution, while traveling on official state business.

27    (b) Governing the presentation and audit of claims against the  
28    state for which an appropriation has been made or for which a state  
29    fund is available.

30    (c) Governing any other matter over which it has jurisdiction.

31    *SEC. 108. Section 13923 of the Government Code is amended*  
32    *and renumbered to read:*

33    ~~13923.~~

34    14659.09. The ~~board~~ department may approve plans for payroll  
35    deduction from the salaries or wages of state officers and  
36    employees under subdivision (f) of Section 1151 for charitable  
37    contributions to the agency handling the principal combined fund  
38    drive in any area. The ~~board~~ department shall establish necessary  
39    rules and regulations, including the following:

1 (a) Standards for establishing what constitutes the principal  
2 combined fund drive in an area.

3 (b) A requirement that the agency to receive these contributions  
4 shall pay, for deposit in the General Fund, the additional cost to  
5 the state of making these deductions and remitting the proceeds,  
6 as determined by the Controller.

7 (c) A requirement that the agency to receive these contributions  
8 shall pay, for deposit in the ~~General Service Revolving~~ Fund, the  
9 ~~board's department's~~ cost to administer the annual charitable  
10 campaign fund drive. This amount shall be determined by the ~~board~~  
11 ~~department~~ and ~~may shall only be appropriated in available for~~  
12 ~~the support of the board as reimbursements to Item 8700-001-0001~~  
13 ~~of the annual Budget Act.~~ *department upon appropriation by the*  
14 *Legislature.*

15 (d) Provisions for standard amounts of deductions from which  
16 each state officer or employee may select the contribution that he  
17 or she desires to make, if any.

18 (e) A prohibition upon state officers or employees authorizing  
19 more than one payroll deduction for charitable purposes to be in  
20 effect at the same time.

21 (f) A provision authorizing the Controller to combine in his or  
22 her records deductions for employee association dues, if authorized,  
23 and charitable deductions, if authorized.

24 The ~~board, department,~~ in addition, may approve requests of  
25 any charitable organization qualified as an exempt organization  
26 under Section 23701d of the Revenue and Taxation Code, and  
27 paragraph (3) of subsection (c) of Section 501 of the Internal  
28 Revenue Code of 1954, which is not an affiliated member  
29 beneficiary of the principal combined fund drive to receive  
30 designated deductions from the principal fund drive.

31 The principal combined fund drive agency, any charitable  
32 organization which is an affiliated member beneficiary of the  
33 principal combined fund drive, and any charitable organization  
34 approved by the ~~board~~ *department* to receive designated deductions  
35 on the payroll authorization form of the principal fund drive, shall  
36 certify under penalty of perjury to the ~~board~~ *department* that it is  
37 in compliance with the Fair Employment and Housing Act, Part  
38 2.8 (commencing with Section 12900), as a condition of receiving  
39 these designated deductions.

The principal combined fund drive shall obtain from the ~~board~~ *department* the list of approved nonaffiliated beneficiaries, eligible for designated deductions in its approved drive area, and shall provide this information to each employee at the time of the principal fund drive. The principal combined drive agency shall provide a designation form for the employee to indicate those amounts to be contributed to affiliated and nonaffiliated beneficiaries. The designation form shall consist of a copy for each of the following: (1) the employee, (2) the employee's designated beneficiary agency, and (3) the principal combined fund drive agency. The principal combined fund drive agency shall pay the amount collected for the employee designated beneficiary agency less the amount necessary to reimburse the principal combined fund drive agency for fundraising and administrative expenses. The fee charged for fundraising and administrative cost reimbursement shall be determined by the ~~board~~, *department*, published in campaign literature and made available to the employee during the solicitation process.

Nothing contained in this section shall preclude a principal fund drive agency from giving a percentage of the undesignated funds to charities which are not members of the agency handling the principal drive, or honoring an employee's designated deduction to any charitable organization.

*SEC. 109. Section 13928 of the Government Code is amended and renumbered to read:*

~~13928.~~

*14659.10.* The ~~board~~ *department* shall take any and all necessary steps to ensure that all claims which have been approved by the ~~board~~, *department*, and for which there exists no legally available appropriation, are submitted for legislative approval at least twice during each calendar year.

*SEC. 110. Section 13940 of the Government Code is amended and renumbered to read:*

~~13940.~~

*12433.* Any state agency or employee required to collect any state taxes, licenses, fees, or money owing to the state for any reason that is due and payable may be discharged by the ~~board~~ *Controller* from accountability for the collection of the taxes, licenses, fees, or money if the debt is uncollectible or the amount of the debt does not justify the cost of its collection.

1     *SEC. 111. Section 13941 of the Government Code is amended*  
2     *and renumbered to read:*

3     ~~13941.~~

4     12434. The application for a discharge under this ~~chapter~~ *article*  
5     shall be filed with the Controller and include the following:

6     (a) A statement of the nature and amount of the tax, license,  
7     fee, or other money due.

8     (b) The names of the persons liable.

9     (c) The estimated cost of collection.

10    (d) All other facts warranting the discharge, unless the Controller  
11    determines that the circumstances do not warrant the furnishing  
12    of detailed information.

13    *SEC. 112. Section 13942 of the Government Code is amended*  
14    *and renumbered to read:*

15    ~~13942.~~

16    12435. The Controller shall audit the ~~applications and~~  
17    ~~recommend to the board an order discharging applications. The~~  
18    ~~Controller shall discharge~~ the applicant from further accountability  
19    for collection and ~~authorizing~~ *authorize* the applicant to close its  
20    book on that ~~item, item~~ if the Controller determines the following:

21    (a) The matters contained in the application are correct.

22    (b) No credit exists against which the debt can be offset.

23    (c) Collection is improbable for any reason.

24    (d) The cost of recovery does not justify the collection.

25    (e) For items that exceed the monetary jurisdiction of the small  
26    claims court, the Attorney General has advised, in writing, that  
27    collection is not justified by the cost or is improbable for any  
28    reason.

29    *SEC. 113. Section 13943 of the Government Code is amended*  
30    *and renumbered to read:*

31    ~~13943.~~

32    12436. ~~The board may delegate to the Controller, under terms~~  
33    ~~and conditions that are acceptable to the board, the authority to~~  
34    ~~Controller may~~ discharge from accountability a state agency for  
35    accounts that do not exceed the amount specified in subdivision  
36    (e) of Section ~~13942~~ 12435 and thereby authorize the closing of  
37    the agency's books in regard to that item.

38    *SEC. 114. Section 13943.1 of the Government Code is amended*  
39    *and renumbered to read:*



~~13943.1.~~

12437. (a) Except as provided in subdivision (b), a discharge granted pursuant to this ~~chapter~~ *article* to a state agency or employee does not release any person from the payment of any tax, license, fee, or other money that is due and owing to the state.

(b) A discharge granted pursuant to this ~~chapter~~ *article* to the Franchise Tax Board shall release a person from a liability for the payment of any tax, fee, or other liability deemed uncollectible that is due and owing to the state and extinguish that liability, if at least one of the following conditions is met:

(1) The liability is for an amount less than five hundred dollars (\$500).

(2) The liable person has been deceased for more than four years and there is no active probate with respect to that person.

(3) The Franchise Tax Board has determined that the liable person has a permanent financial hardship.

(4) The liability has been unpaid for more than 30 years.

*SEC. 115. Section 13943.2 of the Government Code is amended and renumbered to read:*

~~13943.2. Upon authorization of the board, a~~

12438. A state agency is not required to collect taxes, licenses, fees, or money owing to the state for any reason if the amount to be collected is five hundred dollars (\$500) or less. ~~A state agency that seeks this authorization shall file an application with the board accompanied by a statement of circumstances.~~ Nothing contained in this section shall be construed as releasing any person from the payment of any money due the state.

*SEC. 116. Section 13943.3 of the Government Code is amended and renumbered to read:*

~~13943.3.~~

12438.1. Notwithstanding any other provision of this ~~chapter~~, ~~the board may authorize~~ *article*, the Controller ~~to may~~ discharge the Department of Water Resources from accountability for collection of the loan issued to the Arrowhead Manor Water Company in 1980 under the California Safe Drinking Water Bond Law of 1976, but only if San Bernardino County or its county service area acquires the water system financed by the loan issued to the Arrowhead Manor Water Company and pays the amount of nine hundred ten thousand five hundred twenty dollars (\$910,520) in complete satisfaction of that loan, on or before January 30, 2009.

1     *SEC. 117. Section 13944 of the Government Code is amended*  
2     *and renumbered to read:*

3     ~~13944.~~

4     12439. (a) The ~~board~~ Controller may investigate, inquire, and,  
5     if necessary, conduct hearings concerning property in the  
6     possession of the Treasurer which has escheated to the state from  
7     the estates of deceased persons pursuant to a judgment of escheat  
8     or pursuant to a distribution to the state under Section 11900 of  
9     the Probate Code.

10    (b) After investigation, inquiry, and hearing, the ~~board~~  
11    Controller may relieve the Treasurer from any liability arising  
12    from the possession of, of and ~~direct the Controller to sell, or~~  
13    authorize the Treasurer to destroy or otherwise dispose of, any  
14    such property as it deems proper.

15    *SEC. 118. Section 13951 of the Government Code is amended*  
16    *to read:*

17    13951. As used in this chapter, the following definitions shall  
18    apply:

19    (a) “Board” means the California Victim Compensation ~~and~~  
20    Government Claims Board.

21    (b) (1) “Crime” means a crime or public offense, wherever it  
22    may take place, that would constitute a misdemeanor or a felony  
23    if the crime had been committed in California by a competent  
24    adult.

25    (2) “Crime” includes an act of terrorism, as defined in Section  
26    2331 of Title 18 of the United States Code, committed against a  
27    resident of the state, whether or not the act occurs within the state.

28    (c) “Derivative victim” means an individual who sustains  
29    pecuniary loss as a result of injury or death to a victim.

30    (d) “Law enforcement” means every district attorney, municipal  
31    police department, sheriff’s department, district attorney’s office,  
32    county probation department, and social services agency, the  
33    Department of Justice, the Department of Corrections, the  
34    Department of the Youth Authority, the Department of the  
35    California Highway Patrol, the police department of any campus  
36    of the University of California, California State University, or  
37    community college, and every agency of the State of California  
38    expressly authorized by statute to investigate or prosecute law  
39    violators.

1 (e) “Pecuniary loss” means an economic loss or expense  
2 resulting from an injury or death to a victim of crime that has not  
3 been and will not be reimbursed from any other source.

4 (f) “Peer counseling” means counseling offered by a provider  
5 of mental health counseling services who has completed a  
6 specialized course in rape crisis counseling skills development,  
7 participates in continuing education in rape crisis counseling skills  
8 development, and provides rape crisis counseling within the State  
9 of California.

10 (g) “Victim” means an individual who sustains injury or death  
11 as a direct result of a crime as specified in subdivision (e) of  
12 Section 13955.

13 (h) “Victim center” means a victim and witness assistance center  
14 that receives funds pursuant to Section 13835.2 of the Penal Code.

15 *SEC. 119. Section 13972 of the Government Code is amended*  
16 *to read:*

17 13972. (a) If a private citizen incurs personal injury or death  
18 or damage to his or her property in preventing the commission of  
19 a crime against the person or property of another, in apprehending  
20 a criminal, or in materially assisting a peace officer in prevention  
21 of a crime or apprehension of a criminal, or rescuing a person in  
22 immediate danger of injury or death as a result of fire, drowning,  
23 or other catastrophe, the private citizen, his or her surviving spouse,  
24 his or her surviving children, a person dependent upon the citizen  
25 for his or her principal support, any person legally liable for the  
26 citizen’s pecuniary losses, or a public safety or law enforcement  
27 agency acting on behalf of any of the above may file a claim with  
28 the California Victim Compensation ~~and Government Claims~~  
29 Board for indemnification to the extent that the claimant is not  
30 compensated from any other source for the injury, death, or  
31 damage. The claim shall generally show all of the following:

32 (1) The date, place, and other circumstances of the occurrence  
33 or events that gave rise to the claim.

34 (2) A general description of the activities of the private citizen  
35 in prevention of a crime, apprehension of a criminal, or rescuing  
36 a person in immediate danger of injury or death as a result of fire,  
37 drowning, or other catastrophe.

38 (3) The amount or estimated amount of the injury, death, or  
39 damage sustained for which the claimant is not compensated from

1 any other source, insofar as it may be known at the time of the  
2 presentation of the claim.

3 (4) Any other information that the California Victim  
4 Compensation and Government Claims Board may require.

5 (b) A claim filed under subdivision (a) shall be accompanied  
6 by a corroborating statement and recommendation from the  
7 appropriate state or local public safety or law enforcement agency.

8 *SEC. 120. Section 13973 of the Government Code is amended*  
9 *to read:*

10 13973. (a) Upon presentation of a claim pursuant to this  
11 chapter, the California Victim Compensation and Government  
12 Claims Board shall fix a time and place for the hearing of the claim,  
13 and shall mail notices of the hearing to interested persons or  
14 agencies. The board shall receive recommendations from public  
15 safety or law enforcement agencies, and evidence showing all of  
16 the following:

17 (1) The nature of the crime committed by the apprehended  
18 criminal or prevented by the action of the private citizen, or the  
19 nature of the action of the private citizen in rescuing a person in  
20 immediate danger of injury or death as a result of fire, drowning,  
21 or other catastrophe, and the circumstances involved.

22 (2) That the actions of the private citizen substantially and  
23 materially contributed to the apprehension of a criminal, the  
24 prevention of a crime, or the rescuing of a person in immediate  
25 danger of injury or death as a result of fire, drowning, or other  
26 catastrophe.

27 (3) That, as a direct consequence, the private citizen incurred  
28 personal injury or damage to property or died.

29 (4) The extent of the injury or damage for which the claimant  
30 is not compensated from any other source.

31 (5) Any other evidence that the board may require.

32 (b) If the board determines, on the basis of a preponderance of  
33 the evidence, that the state should indemnify the claimant for the  
34 injury, death, or damage sustained, it shall approve the claim for  
35 payment. In no event shall a claim be approved by the board under  
36 this article in excess of ten thousand dollars (\$10,000).

37 (c) In addition to any award made under this chapter, the board  
38 may award, as attorney's fees, an amount representing the  
39 reasonable value of legal services rendered a claimant, but in no  
40 event to exceed 10 percent of the amount of the award. No attorney

1 shall charge, demand, receive, or collect for services rendered in  
2 connection with any proceedings under this chapter any amount  
3 other than that awarded as attorney's fees under this section. Claims  
4 approved under this chapter shall be paid from a separate  
5 appropriation made to the California Victim Compensation and  
6 ~~Government Claims Board~~ in the Budget Act and as the claims  
7 are approved by the board.

8 *SEC. 121. Section 13974 of the Government Code is amended*  
9 *to read:*

10 13974. The California Victim Compensation and ~~Government~~  
11 ~~Claims Board~~ is hereby authorized to make all needful rules and  
12 regulations consistent with the law for the purpose of carrying into  
13 effect this article.

14 *SEC. 122. Section 13974.1 of the Government Code is amended*  
15 *to read:*

16 13974.1. (a) The California Victim Compensation and ~~and~~  
17 ~~Government Claims Board~~ shall use the applicable provisions of  
18 this article to establish a claim and reward procedure to reward  
19 persons providing information leading to the location of any child  
20 listed in the missing children registry compiled pursuant to former  
21 Section 11114 of the Penal Code or maintained pursuant to the  
22 system maintained pursuant to Sections 14203 and 14204 of the  
23 Penal Code.

24 (b) Awards shall be made upon recommendation of the  
25 Department of Justice in an amount of not to exceed five hundred  
26 dollars (\$500) to any one individual. However, as a condition to  
27 an award, in any particular case, an amount equal to or greater in  
28 nonstate funds shall have been first offered as a reward for  
29 information leading to the location of that missing child.

30 (c) The Missing Children Reward Fund is abolished and any  
31 remaining balance is transferred to the Restitution Fund. The  
32 California Victim Compensation and ~~Government Claims Board~~  
33 shall make awards pursuant to this section from the Restitution  
34 Fund, using the appropriation authority provided in Section 13964.

35 *SEC. 123. Section 13974.5 of the Government Code is amended*  
36 *to read:*

37 13974.5. (a) The California Victim Compensation and ~~and~~  
38 ~~Government Claims Board~~ shall enter into an interagency  
39 agreement with the University of California, San Francisco, to  
40 establish a victims of crime recovery center at the San Francisco

1 General Hospital for the purpose of providing comprehensive and  
2 integrated services to victims of crime, subject to conditions set  
3 forth by the board.

4 (b) This section shall not apply to the University of California  
5 unless the Regents of the University of California, by appropriate  
6 resolution, make this section applicable.

7 (c) This section shall only be implemented to the extent that  
8 funding is appropriated for that purpose.

9 *SEC. 124. Section 13995.40 of the Government Code is*  
10 *amended to read:*

11 13995.40. (a) Upon approval of the initial referendum, the  
12 office shall establish a nonprofit mutual benefit corporation named  
13 the California Travel and Tourism Commission. The commission  
14 shall be under the direction of a board of commissioners, which  
15 shall function as the board of directors for purposes of the  
16 Nonprofit Corporation Law.

17 (b) The board of commissioners shall consist of 37  
18 commissioners comprising the following:

19 (1) ~~The director, who shall serve as chairperson.~~ *director.*

20 (2) (A) Twelve ~~members,~~ *commissioners,* who are  
21 professionally active in the tourism industry, and whose primary  
22 business, trade, or profession is directly related to the tourism  
23 industry, shall be appointed by the Governor. Each appointed  
24 commissioner shall represent only one of the 12 tourism regions  
25 designated by the office, and the appointed commissioners shall  
26 be selected so as to represent, to the greatest extent possible, the  
27 diverse elements of the tourism industry. Appointed commissioners  
28 are not limited to individuals who are employed by or represent  
29 assessed businesses.

30 (B) If an appointed commissioner ceases to be professionally  
31 active in the tourism industry or his or her primary business, trade,  
32 or profession ceases to be directly related to the tourism industry,  
33 he or she shall automatically cease to be an appointed  
34 commissioner 90 days following the date on which he or she ceases  
35 to meet both of the eligibility criteria specified in subparagraph  
36 (A), unless the commissioner becomes eligible again within that  
37 90-day period.

38 (3) Twenty-four elected commissioners, including at least one  
39 representative of a travel agency or tour operator that is an assessed  
40 business.

1 (c) The commission established pursuant to *former* Section  
2 15364.52 shall be inoperative so long as the commission  
3 established pursuant to this section is in existence.

4 (d) Elected commissioners shall be elected by industry category  
5 in a referendum. Regardless of the number of ballots received for  
6 a referendum, the nominee for each commissioner slot with the  
7 most weighted votes from assessed businesses within that industry  
8 category shall be elected commissioner. In the event that an elected  
9 commissioner resigns, dies, or is removed from office during his  
10 or her term, the commission shall appoint a replacement from the  
11 same industry category that the commissioner in question  
12 represented, and that commissioner shall fill the remaining term  
13 of the commissioner in question. The number of commissioners  
14 elected from each industry category shall be determined by the  
15 weighted percentage of assessments from that category.

16 (e) The director may remove any elected commissioner  
17 following a hearing at which the commissioner is found guilty of  
18 abuse of office or moral turpitude.

19 (f) (1) The term of each elected commissioner shall commence  
20 July 1 of the year next following his or her election, and shall  
21 expire on June 30 of the fourth year following his or her election.  
22 If an elected commissioner ceases to be employed by or with an  
23 assessed business in the category and segment which he or she  
24 was representing, his or her term as an elected commissioner shall  
25 automatically terminate 90 days following the date on which he  
26 or she ceases to be so employed, unless, within that 90-day period,  
27 the commissioner again is employed by or with an assessed  
28 business in the same category and segment.

29 (2) Terms of elected commissioners that would otherwise expire  
30 effective December 31 of the year during which legislation adding  
31 this subdivision is enacted shall automatically be extended until  
32 June 30 of the following year.

33 (g) With the exception of the director, no commissioner shall  
34 serve for more than two consecutive terms. For purposes of this  
35 subdivision, the phrase “two consecutive terms” shall not include  
36 partial terms.

37 (h) Except for the original commissioners, all commissioners  
38 shall serve four-year terms. One-half of the commissioners  
39 originally appointed or elected shall serve a two-year term, while  
40 the remainder shall serve a four-year term. Every two years

1 thereafter, one-half of the commissioners shall be appointed or  
2 elected by referendum.

3 (i) The selection committee shall determine the initial slate of  
4 candidates for elected commissioners. Thereafter the  
5 commissioners, by adopted resolution, shall nominate a slate of  
6 candidates, and shall include any additional candidates complying  
7 with the procedure described in Section 13995.62.

8 (j) (1) The commissioners *appointed pursuant to subparagraph*  
9 *(A) of paragraph (2) of subdivision (b)* shall elect ~~a vice~~  
10 ~~chairperson from the elected commissioners.~~ *the chairperson.*

11 (2) *The commissioners selected pursuant to subdivision (d) shall*  
12 *elect the vice chairperson.*

13 (k) The commission may lease space from the office.

14 (l) The commission and the office shall be the official state  
15 representatives of California tourism.

16 (m) (1) All commission meetings shall be held in California.

17 (2) Commissioners may participate in meetings by means of  
18 conference telephone and other technology.

19 (n) No person shall receive compensation for serving as a  
20 commissioner, but each commissioner shall receive reimbursement  
21 for reasonable expenses incurred while on authorized commission  
22 business.

23 (o) Assessed businesses shall vote only for commissioners  
24 representing their industry category.

25 (p) Commissioners shall comply with the requirements of the  
26 Political Reform Act of 1974 (Title 9 (commencing with Section  
27 81000)). The Legislature finds and declares that commissioners  
28 appointed or elected on the basis of membership in a particular  
29 tourism segment are appointed or elected to represent and serve  
30 the economic interests of those tourism segments and that the  
31 economic interests of these members are the same as those of the  
32 public generally.

33 (q) Commission meetings shall be subject to the requirements  
34 of the Bagley-Keene Open Meeting Act (Article 9 (commencing  
35 with Section 11120) of Chapter 1 of Part 1).

36 (r) The executive director of the commission shall serve as  
37 secretary to the commission, a nonvoting position, and shall keep  
38 the minutes and records of all commission meetings.

39 *SEC. 125. Section 14084 of the Government Code is amended*  
40 *to read:*



14084. If at any time, in carrying out any agreement made pursuant to Section 14081, the required payment of reimbursements becomes a matter in dispute that cannot be resolved by the governing body and the director, it shall be brought before the ~~California Victim Compensation and Government Claims Board, which shall~~ Controller, who may conduct the necessary audits and interviews to determine the facts, hear both parties to the dispute, and make a final determination as to the reimbursement actually due.

*SEC. 126. Section 14600 of the Government Code is amended to read:*

14600. The Legislature declares that a centralization of business management functions and services of state government is necessary to take advantage of specialized techniques and skills, provide uniform management practices, and to insure a continuing high level of efficiency and economy. A Department of General Services is created to provide centralized services including, but not limited to, planning, acquisition, construction, and maintenance of state buildings and property; purchasing; printing; architectural services; administrative hearings; *government claims*; and accounting services. The Department of General Services shall develop and enforce policy and procedures and shall institute or cause the institution of those investigations and proceedings as it deems proper to assure effective operation of all functions performed by the department and to conserve the rights and interests of the state.

*SEC. 127. The heading of Article 1.1 (commencing with Section 14659) is added to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the Government Code, to read:*

*Article 1.1. Government Claims Duties*

*SEC. 128. Section 14659 is added to the Government Code, to read:*

14659. *The Department of General Services and its director succeed to and are vested with all the duties, powers, purposes, responsibilities, and jurisdiction vested in the California Victim Compensation and Government Claims Board, or its executive officer, under the following statutes as they existed on January 1, 2016:*

1 (a) Section 77 of the Code of Civil Procedure.

2 (b) Section 846.1 of the Civil Code.

3 (c) Sections 12117, 24618, and 89750.5 of the Education Code.

4 (d) Sections 1122 and 15512 of the Fish and Game Code.

5 (e) Sections 3955, 14978.2, and 52295 of the Food and  
6 Agricultural Code.

7 (f) Sections 800, 850.6, 900.2, 905.2, 905.3, 906, 911.2, 912.5,  
8 915, 920, 925, 927.13, 935.6, 935.7, 940.2, 965, 965.1, 965.5,  
9 997.1, 998, 998.2, 1151, 3515.7, 8652, 8902, 11007.6, 11014,  
10 11030.1, 11030.2, 11031, 11275, 13332.09, 14600, 15202, 16302.1,  
11 16304.6, 16383, 16431, 17051.5, 17201, 19815.4, 20163, 21223,  
12 21265, 26749, 68503, 68506, 68543, 68543.5, 68543.8, and 68565  
13 of this code.

14 (g) Sections 13052, 25370, 121265, and 121270 of the Health  
15 and Safety Code.

16 (h) Sections 11580.1 and 11872 of the Insurance Code.

17 (i) Sections 4724, 4725, and 4726 of the Labor Code.

18 (j) Sections 422.92, 987.9, 1557, 2786, 11163, and 11172 of the  
19 Penal Code.

20 (k) Sections 10301, 10306, 10308, 10311, 10326.2, and 12102.2  
21 of the Public Contract Code.

22 (l) Sections 4116, 4602.6, 5093.68, and 30171.2 of the Public  
23 Resources Code.

24 (m) Sections 4461, 14171.5, 14171.6, and 15634 of the Welfare  
25 and Institutions Code.

26 SEC. 129. Section 14659.01 is added to the Government Code,  
27 to read:

28 14659.01. Notwithstanding Section 13900, whenever the term  
29 “California Victim Compensation and Government Claims Board,”  
30 the term “California Victim Compensation Boards,” or the term  
31 “State Board of Control” appears in any statute, regulation,  
32 contract, or any other code with respect to the statutory powers  
33 and duties of the Department of General Services described in  
34 Section 14659, they shall be construed to refer to the Department  
35 of General Services unless the context clearly requires otherwise.

36 SEC. 130. Section 14659.02 is added to the Government Code,  
37 to read:

38 14659.02. The Department of General Services may assign  
39 any matter related to the statutory powers and duties of the  
40 Department of General Services described in Section 14659 to the

1 *Office of Risk and Insurance Management or to any other state*  
2 *office.*

3 *SEC. 131. Section 14659.03 is added to the Government Code,*  
4 *to read:*

5 *14659.03. The evidence in any investigation, inquiry, or hearing*  
6 *may be taken by the Department of General Services or, on its*  
7 *behalf, by the office designated for that purpose. Every finding,*  
8 *opinion, and order, made pursuant to an investigation, inquiry,*  
9 *or hearing, when approved or confirmed by the department, or*  
10 *office so designated, is the finding, opinion, or order of the*  
11 *Department of General Services.*

12 *SEC. 132. Section 14659.04 is added to the Government Code,*  
13 *to read:*

14 *14659.04. The Office of Risk and Insurance Management, any*  
15 *state office designated pursuant to Section 14659.02, or their*  
16 *designees shall keep a full and true record of all proceedings, issue*  
17 *all necessary process, writs, warrants, and notices, and perform*  
18 *those other duties described in Section 14659.*

19 *SEC. 133. Section 14659.05 is added to the Government Code,*  
20 *to read:*

21 *14659.05. The Director of General Services, the Office of Risk*  
22 *and Insurance Management, any state office designated pursuant*  
23 *to Section 14659.02, or their designees may administer oaths,*  
24 *certify to all official acts, and issue subpoenas for the attendance*  
25 *of witnesses and production of papers, books, accounts, documents,*  
26 *and testimony in any inquiries, investigations, hearings, or*  
27 *proceedings conducted in accordance with Section 14659.*

28 *SEC. 134. Section 14659.06 is added to the Government Code,*  
29 *to read:*

30 *14659.06. The Department of General Services, the Office of*  
31 *Risk and Insurance Management, any state office designated*  
32 *pursuant to Section 14659.02, or their designees may administer*  
33 *oaths, examine witnesses, issue subpoenas, and receive evidence*  
34 *under such rules and regulations, pursuant to Section 14659, as*  
35 *the Department of General Services may adopt.*

36 *SEC. 135. Section 14659.07 is added to the Government Code,*  
37 *to read:*

38 *14659.07. The Department of General Services shall have a*  
39 *seal, bearing the following inscription: "Department of General*  
40 *Services." The seal shall be fixed to all writs and authentications*

1 of copies of records and to other instruments that the department  
2 directs.

3 SEC. 136. Article 3.5 (commencing with Section 14691) is  
4 added to Chapter 2 of Part 5.5 of Division 3 of Title 2 of the  
5 Government Code, to read:

6  
7 Article 3.5. State Projects  
8

9 14691. (a) For purposes of this article, the following  
10 definitions shall apply:

11 (1) "Acquisition" includes purchase, option to purchase, or  
12 lease of real property, including lease purchase or lease with  
13 option to purchase.

14 (2) "Planning" includes studies, suitability reports,  
15 environmental review, program management, and master planning.  
16 Services to deliver "planning" shall be considered "architectural  
17 and engineering services" as that term is used in Section 4529.10.

18 (3) "State project" means any planning, acquisition, design, or  
19 construction undertaken pursuant to this article and may include  
20 associated infrastructure, parking, landscaping, and other ancillary  
21 components, including furnishings and equipment instrumental to  
22 the use of a building. "State project" does not include work done  
23 to the State Capitol or an office building utilized by or under the  
24 control of the Legislature, including work done pursuant to Article  
25 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of  
26 Division 2.

27 (b) It is the intent of the Legislature that any state project  
28 authorized pursuant to this article incorporate elements  
29 complementary to the community in which it is sited, as well as  
30 elements that promote efficiency and sustainability.

31 14692. (a) (1) The State Project Infrastructure Fund is hereby  
32 established in the State Treasury.

33 (2) Notwithstanding Section 13340, the fund is continuously  
34 appropriated to the department, without regard to fiscal years,  
35 for the following purposes:

36 (A) Subject to authorization as provided in this article, for state  
37 projects pursuant to this article.

38 (B) To cover the costs of the report required by Section 9112.

39 (C) (i) For transfer to the Operating Funds of the Assembly  
40 and Senate, to be used for the capital outlay projects specified in

Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2.

(ii) Upon direction of the Director of Finance, the Controller shall transfer from the fund to the Operating Funds of the Assembly and the Senate an amount that is consistent with the budget amount specified in the report required by Section 9112.

(b) Notwithstanding any other law, the Controller may use the funds in the State Project Infrastructure Fund for cashflow loans to the General Fund as provided in Sections 16310 and 16381.

(c) The moneys in this fund shall be exempt from statewide general administrative cost recovery pursuant to Article 2 (commencing with Section 11270) of Chapter 3 of Part 1.

(d) Any lease entered into pursuant to this article is subject to the approval of the Department of Finance and any applicable notification required by subdivision (d) of Section 14694.

14693. (a) Any state project authorized pursuant to this article shall be funded in whole or in part by the State Project Infrastructure Fund.

(b) Any state project authorized pursuant to this article shall be subject to approval and administrative oversight by the Department of Finance and the State Public Works Board, including, but not limited to, notice requirements for changes to the cost and scope of the state project as described in Sections 13332.11 and 13332.19, as applicable.

14694. (a) Prior to the development of the project scope, cost, and delivery method of a state project pursuant to subdivision (b), the department, upon approval by the Department of Finance, may utilize moneys in the State Project Infrastructure Fund for planning.

(b) The State Public Works Board shall establish the scope, cost, and delivery method for each state project.

(c) The Department of Finance, on behalf of the department, shall notify the Joint Legislative Budget Committee as follows:

(1) At least 20 days prior to an expenditure of funds for any planning activity pursuant to subdivision (b). The notice required by this paragraph shall include the purpose of the planning activity and estimates of the costs.

(2) Except as provided in Section 14695, at least 60 days prior to the establishment of the scope, cost, and delivery method of a state project pursuant to subdivision (b). The notice required by

1 *this paragraph shall have the same level of detail as a capital*  
2 *outlay budget change proposal and describe the scope, budget,*  
3 *delivery method, expected tenants, and schedule for any space to*  
4 *be constructed or renovated as part of that state project.*

5 (3) *At least 30 days prior to the State Public Works Board*  
6 *approval of the design of a state project, pursuant to Section*  
7 *13332.11 or 13332.19, as applicable. The notice required by this*  
8 *paragraph shall include updated estimates of the project's cost*  
9 *and schedule.*

10 (4) *At least 30 days prior to entering into a contract or a lease*  
11 *arrangement for a state project that includes construction. The*  
12 *notice required by this paragraph shall include updated estimates*  
13 *of the project's cost and schedule. A state project delivered by*  
14 *lease pursuant to this paragraph shall be exempt from Section*  
15 *13332.10.*

16 14695. (a) *Notwithstanding Section 14694, with respect to the*  
17 *state projects specified in subdivision (b), the Department of*  
18 *Finance, on behalf of the department, shall notify the Joint*  
19 *Legislative Budget Committee at least 45 days prior to the*  
20 *establishment of the scope, cost, and delivery method of the state*  
21 *project pursuant to subdivision (b) of Section 14694. The notice*  
22 *required by this section shall have the same level of detail as a*  
23 *capital outlay budget change proposal and describe the scope,*  
24 *budget, delivery method, expected tenants, and schedule for any*  
25 *space to be constructed or renovated as part of that state project.*

26 (b) *This section shall only apply to a state project that is*  
27 *comprised solely of either of the following:*

28 (1) *Replacement of the office building that is, as of the effective*  
29 *date of the act adding this section, used by the Natural Resources*  
30 *Agency.*

31 (2) *Construction of an office building located on "O" Street in*  
32 *the City of Sacramento that is currently under consideration as of*  
33 *the effective date of the act adding this section.*

34 14696. (a) *The department shall submit, on a quarterly basis,*  
35 *a report on the status of each state project established by the State*  
36 *Public Works Board pursuant to Section 14694 to the Joint*  
37 *Legislative Budget Committee and to the chairpersons of the Senate*  
38 *Committee on Budget and Fiscal Review and the Assembly*  
39 *Committee on Budget. The report shall also include the amount*

1 of expenditures made from the State Project Infrastructure Fund  
2 for any state project authorized under this article.

3 (b) A report submitted pursuant to subdivision (a) shall be  
4 submitted in compliance with Section 9795.

5 14697. The State Public Works Board shall not be deemed a  
6 lead or responsible agency for purposes of the California  
7 Environmental Quality Act (Division 13 (commencing with Section  
8 21000) of the Public Resources Code) for any activities under this  
9 article. This section is declarative of existing law.

10 SEC. 137. Section 15202 of the Government Code is amended  
11 to read:

12 15202. (a) A county that is responsible for the cost of a trial  
13 or trials or any hearing of a person for the offense of homicide  
14 may apply to the Controller for reimbursement of the costs incurred  
15 by the county in excess of the amount of money derived by the  
16 county from a tax of 0.0125 of 1 percent of the full value of  
17 property assessed for purposes of taxation within the county.

18 (b) The formula in this section shall apply to any homicide trial  
19 in which the commission of the crime occurred on or after January  
20 1, 2005. Homicide trials for which the crime was committed before  
21 January 1, 2005, shall qualify under the reimbursement statute in  
22 effect before that date.

23 (c) The Controller shall not reimburse any county for costs that  
24 exceed the ~~California Victim Compensation and Government~~  
25 ~~Claims Board's~~ Department of General Services' standards for  
26 travel and per diem expenses. The Controller may reimburse  
27 extraordinary costs in unusual cases if the county provides  
28 sufficient justification of the need for these expenditures. Nothing  
29 in this section shall permit the reimbursement of costs for travel  
30 in excess of 1,000 miles on any single round trip, without the prior  
31 approval of the Attorney General.

32 (d) Reimbursement funds appropriated pursuant to this section  
33 are available for three fiscal years from the date of the  
34 appropriation. After three fiscal years, any unused funds shall  
35 revert back to the General Fund.

36 SEC. 138. Section 16302.1 of the Government Code is amended  
37 to read:

38 16302.1. (a) Whenever any person pays to any state agency  
39 pursuant to law an amount covering taxes, penalties, interest,  
40 license, or other fees, or any other payment, and it is subsequently

1 determined by the state agency responsible for the collection  
2 thereof that this amount includes an overpayment of ten dollars  
3 (\$10) or less of the amount due the state pursuant to the assessment,  
4 levy, or charge to which the payment is applicable, the amount of  
5 the overpayment may be disposed of in either of the following  
6 ways:

7 (1) The state agency responsible for the collection to which the  
8 overpayment relates may apply the amount of the overpayment as  
9 a payment by the person on any other taxes, penalties, interest,  
10 license, or other fees, or any other amount due the state from that  
11 person if the state agency is responsible by law for the collection  
12 to which the overpayment is to be applied as a payment.

13 (2) Upon written request of the state agency responsible for the  
14 collection to which the overpayment relates, the amount of the  
15 overpayment shall, on order of the Controller, be deposited as  
16 revenue in the fund in the State Treasury into which the collection,  
17 exclusive of overpayments, is required by law to be deposited.

18 (b) ~~The California Victim Compensation and Government~~  
19 ~~Claims Board~~ *Department of General Services* may adopt rules  
20 and regulations to permit state agencies to retain these  
21 overpayments where a demand for refund permitted by law is not  
22 made within six months after the refund becomes due, and the  
23 retained overpayments shall belong to the state.

24 (c) Except as provided in subdivision (b), this section shall not  
25 affect the right of any person making overpayment of any amount  
26 to the state to make a claim for refund of the overpayment, nor the  
27 authority of any state agency or official to make payment of any  
28 amount so claimed, if otherwise authorized by law.

29 *SEC. 139. Section 16304.6 of the Government Code is amended*  
30 *to read:*

31 16304.6. Within the time during which the appropriation is  
32 available for expenditure, the ~~California Victim Compensation~~  
33 ~~and Government Claims Board~~ *Department of General Services*  
34 at the request of the director of the department concerned and with  
35 the approval of the Director of Finance, may authorize that  
36 unneeded funds in any appropriation for the support of an  
37 institution, school, or college or for family care or private home  
38 care or for parole supervision activities within any of the following  
39 departments shall be available and be deemed appropriated for the  
40 support of any institution, school, or college or for family care or



1 private home care or for parole supervision activities within the  
2 same department:

3 (a) Department of Corrections and Rehabilitation.

4 (b) Department of the Youth Authority.

5 (c) State Department of Education.

6 (d) State Department of State Hospitals.

7 *SEC. 140. Section 16383 of the Government Code is amended*  
8 *to read:*

9 16383. Warrants may be drawn by the Controller against the  
10 General Cash Revolving Fund, to the extent of the amounts  
11 available, in accordance with demands audited pursuant to law  
12 and rules and regulations prescribed from time to time by the  
13 ~~California Victim Compensation and Government Claims Board,~~  
14 *Department of General Services*, and also to meet other payments  
15 provided by law to be made from the General Fund. The Treasurer  
16 may pay from the General Cash Revolving Fund the warrants so  
17 drawn.

18 *SEC. 141. Section 16431 of the Government Code is amended*  
19 *to read:*

20 16431. (a) Notwithstanding any other provisions of this code,  
21 funds held by the ~~state~~ *state*, pursuant to a written agreement  
22 between the state and employees of the state to defer a portion of  
23 the compensation otherwise receivable by the state's employees  
24 and pursuant to a plan for that deferral as adopted by the state and  
25 approved by the ~~California Victim Compensation and Government~~  
26 ~~Claims Board,~~ *Department of General Services*, may be invested  
27 in the types of investments set forth in Sections 53601 and ~~53602,~~  
28 *53602* and may additionally be invested in corporate stocks, bonds,  
29 and securities, mutual funds, savings and loan accounts, credit  
30 union accounts, annuities, mortgages, deeds of trust, or other  
31 security interests in real or personal property. Nothing in this  
32 section shall be construed to permit any type of investment  
33 prohibited by the California Constitution.

34 (b) Deferred compensation funds are public pension or  
35 retirement funds for the purposes of Section 17 of Article XVI of  
36 the California Constitution.

37 *SEC. 142. Section 17051.5 of the Government Code is amended*  
38 *to read:*

39 17051.5. A state agency shall notify the Treasurer not to pay  
40 a warrant drawn by the Controller upon that agency's request

1 whenever that agency has reason to believe that the Controller has  
2 drawn or is about to draw his or her warrant without legal authority,  
3 for a larger amount than is owed by the state, or in a manner not  
4 in conformity with the regulations adopted by the ~~California Victim~~  
5 ~~Compensation and Government Claims Board~~ *Department of*  
6 *General Services* for the presentation and audit of claims. Upon  
7 notification from a state agency as described in this section, the  
8 Treasurer shall refuse payment of the subject warrant until he or  
9 she is otherwise directed by the agency or the Legislature.

10 *SEC. 143. Section 17201 of the Government Code is amended*  
11 *to read:*

12 17201. The ~~California Victim Compensation and Government~~  
13 ~~Claims Board~~ *Department of General Services* may make rules  
14 and regulations governing the issuance and sale of registered  
15 warrants.

16 *SEC. 144. Section 17518.5 of the Government Code is amended*  
17 *to read:*

18 17518.5. (a) “Reasonable reimbursement methodology” means  
19 a formula for reimbursing local agencies and school districts for  
20 costs mandated by the state, as defined in Section 17514.

21 (b) A reasonable reimbursement methodology shall be based  
22 on cost information from a representative sample of eligible  
23 claimants, information provided by associations of local agencies  
24 and school districts, or other projections of local costs.

25 (c) A reasonable reimbursement methodology shall consider  
26 the variation in costs among local agencies and school districts to  
27 implement the mandate in a cost-efficient manner.

28 (d) Whenever possible, a reasonable reimbursement  
29 methodology shall be based on general allocation formulas,  
30 uniform cost allowances, and other approximations of local costs  
31 mandated by the state, rather than detailed documentation of actual  
32 local costs. In cases when local agencies and school districts are  
33 projected to incur costs to implement a mandate over a period of  
34 more than one fiscal year, the determination of a reasonable  
35 reimbursement methodology may consider local costs and state  
36 reimbursements over a period of greater than one fiscal year, but  
37 not exceeding 10 years.

38 (e) (1) *A reasonable reimbursement methodology that is based*  
39 *on, in whole or in part, costs that have been included in claims*

1 *submitted to the Controller for reimbursement shall only use costs*  
2 *that have been audited by the Controller.*

3 *(2) Upon receiving a reasonable reimbursement methodology*  
4 *proposal that is based on, in whole or in part, costs that have been*  
5 *included in claims submitted to the Controller for reimbursement,*  
6 *the Commission on State Mandates shall notify the Controller*  
7 *within 30 days of receiving the proposed reasonable reimbursement*  
8 *methodology.*

9 *(3) The Controller shall select and audit a representative sample*  
10 *of the claimed costs used in the proposed reasonable*  
11 *reimbursement methodology within 360 days of being notified by*  
12 *the Commission on State Mandates.*

13 *(4) The allowable costs reported by the Controller as a result*  
14 *of the audits shall be the costs used for the proposed reasonable*  
15 *reimbursement methodology.*

16 ~~(e)~~

17 *(f) A reasonable reimbursement methodology may be developed*  
18 *by any of the following:*

19 *(1) The Department of Finance.*

20 *(2) The Controller.*

21 *(3) An affected state agency.*

22 *(4) A claimant.*

23 *(5) An interested party.*

24 *(g) The Controller, in coordination with the Commission on*  
25 *State Mandates and Department of Finance, shall by October 1,*  
26 *2018, prepare a report to the Legislature, in accordance with*  
27 *Section 9795, regarding implementation of the new reasonable*  
28 *reimbursement process.*

29 *(h) The appropriate policy committees in each house of the*  
30 *Legislature shall hold hearings on the report referenced in*  
31 *subdivision (g).*

32 *(i) This section shall remain in effect only until July 1, 2019,*  
33 *and as of that date is repealed, unless a later enacted statute, that*  
34 *is enacted before July 1, 2019, deletes or extends that date.*

35 *SEC. 145. Section 17518.5 is added to the Government Code,*  
36 *to read:*

37 *17518.5. (a) "Reasonable reimbursement methodology" means*  
38 *a formula for reimbursing local agencies and school districts for*  
39 *costs mandated by the state, as defined in Section 17514.*

1 (b) A reasonable reimbursement methodology shall be based  
2 on cost information from a representative sample of eligible  
3 claimants, information provided by associations of local agencies  
4 and school districts, or other projections of local costs.

5 (c) A reasonable reimbursement methodology shall consider  
6 the variation in costs among local agencies and school districts  
7 to implement the mandate in a cost-efficient manner.

8 (d) Whenever possible, a reasonable reimbursement  
9 methodology shall be based on general allocation formulas,  
10 uniform cost allowances, and other approximations of local costs  
11 mandated by the state, rather than detailed documentation of actual  
12 local costs. In cases when local agencies and school districts are  
13 projected to incur costs to implement a mandate over a period of  
14 more than one fiscal year, the determination of a reasonable  
15 reimbursement methodology may consider local costs and state  
16 reimbursements over a period of greater than one fiscal year, but  
17 not exceeding 10 years.

18 (e) A reasonable reimbursement methodology may be developed  
19 by any of the following:

20 (1) The Department of Finance.

21 (2) The Controller.

22 (3) An affected state agency.

23 (4) A claimant.

24 (5) An interested party.

25 (f) This section shall become operative on July 1, 2019.

26 (Amended by Stats. 2007, Ch. 329, Sec. 1. Effective January 1,  
27 2008.)

28 SEC. 146. Section 18708 of the Government Code is amended  
29 to read:

30 18708. The board shall cooperate with the Director of Finance,  
31 the Department of Human Resources, ~~the California Victim~~  
32 ~~Compensation and Government Claims Board~~, the Controller, and  
33 other state agencies, agencies in matters not covered by this part,  
34 part and not inconsistent with this part, part to promote the efficient  
35 and economical administration of the state's business.

36 SEC. 147. Section 19815.4 of the Government Code is amended  
37 to read:

38 19815.4. The director shall do all of the following:

39 (a) Be responsible for the management of the department.

40 (b) Administer and enforce the laws pertaining to personnel.

1 (c) Observe and report to the Governor on the conditions of the  
2 nonmerit aspects of personnel.

3 (d) Formulate, adopt, amend, or repeal rules, regulations, and  
4 general policies affecting the purposes, responsibilities, and  
5 jurisdiction of the department and that are consistent with the law  
6 and necessary for personnel administration.

7 All regulations relating to personnel administration heretofore  
8 adopted pursuant to this part by the State Personnel Board,  
9 California Victim Compensation and Government Claims Board,  
10 the Department of General Services, and the Department of  
11 Finance, and in effect on the operative date of this part, shall remain  
12 in effect and shall be fully enforceable unless and until readopted,  
13 amended, or repealed by the director.

14 (e) Hold hearings, subpoena witnesses, administer oaths, and  
15 conduct investigations concerning all matters relating to the  
16 department's jurisdiction.

17 (f) Act on behalf of the department and delegate powers to any  
18 authorized representative.

19 (g) Serve as the Governor's designated representative pursuant  
20 to Section 3517.

21 (h) Perform any other duties that may be prescribed by law, and  
22 any other administrative and executive duties that have by other  
23 provisions of law been previously imposed.

24 *SEC. 148. Section 20163 of the Government Code is amended*  
25 *to read:*

26 20163. (a) If more or less than the correct amount of  
27 contribution required of members, the state, or any contracting  
28 agency, is paid, proper adjustment shall be made in connection  
29 with subsequent payments, or the adjustments may be made by  
30 direct cash payments between the member, state, or contracting  
31 agency concerned and the board or by adjustment of the employer's  
32 rate of contribution. Adjustments to correct any other errors in  
33 payments to or by the board, including adjustments of  
34 contributions, with interest, that are found to be erroneous as the  
35 result of corrections of dates of birth, may be made in the same  
36 manner. Adjustments to correct overpayment of a retirement  
37 allowance may also be made by adjusting the allowance so that  
38 the retired person or the retired person and his or her beneficiary,  
39 as the case may be, will receive the actuarial equivalent of the  
40 allowance to which the member is entitled. Losses or gains

1 resulting from error in amounts within the limits set by the  
2 ~~California Victim Compensation and Government Claims Board~~  
3 ~~Department of General Services~~ for automatic writeoff, and losses  
4 or gains in greater amounts specifically approved for writeoff by  
5 the ~~California Victim Compensation and Government Claims~~  
6 ~~Board, Department of General Services~~, shall be debited or  
7 credited, as the case may be, to the reserve against deficiencies in  
8 interest earned in other years, losses under investments, and other  
9 contingencies.

10 (b) No adjustment shall be made because less than the correct  
11 amount of normal contributions was paid by a member if the board  
12 finds that the error was not known to the member and was not the  
13 result of erroneous information provided by him or her to this  
14 system or to his or her employer. The failure to adjust shall not  
15 preclude action under Section 20160 correcting the date upon  
16 which the person became a member.

17 (c) The actuarial equivalent under this section shall be computed  
18 on the basis of the mortality tables and actuarial interest rate in  
19 effect under this system on December 1, 1970, for retirements  
20 effective through December 31, 1979. Commencing with  
21 retirements effective January 1, 1980, and at corresponding 10-year  
22 intervals thereafter, or more frequently at the board's discretion,  
23 the board shall change the basis for calculating actuarial equivalents  
24 under this article to agree with the interest rate and mortality tables  
25 in effect at the commencement of each 10-year or succeeding  
26 interval.

27 *SEC. 149. Section 21223 of the Government Code is amended*  
28 *to read:*

29 21223. A retired person may serve without reinstatement from  
30 retirement or loss or interruption of benefits provided under this  
31 system upon approval of the Director of Human Resources or the  
32 governing body of a contracting agency, as the case may be, under  
33 employment by any state or contracting agency in which he or she  
34 previously served while a member of this system, where by reason  
35 of actual litigation, or a proceeding before the ~~California Victim~~  
36 ~~Compensation and Government Claims Board~~ *Department of*  
37 *General Services* or the governing body of a contracting agency,  
38 as the case may be, or where the state or contracting agency desires  
39 to perpetuate testimony in connection with any anticipated litigation  
40 involving the state or contracting agency, and adverse interests,

the services of the person are or may be necessary in preparing for trial or in testifying as to matters within or based upon his or her knowledge acquired while employed. He or she may be paid a per diem and actual and necessary traveling expenses, but he or she shall not be paid at a greater rate of compensation per diem than the rate ordinarily paid other persons by state agencies or the contracting agency for similar services. However, there shall be deducted from the per diem compensation sums equal to the retirement annuity allocable to the days of actual employment under this section.

*SEC. 150. Section 21265 of the Government Code is amended to read:*

21265. Retired members of this system, and beneficiaries who are entitled to receive allowances or benefits under this part, may authorize deductions to be made from their retirement allowance payments or from the allowances and benefits, respectively, or from either or both when both are being received in accordance with regulations established by the board for the payment of charitable contributions under any plan approved by the board. In lieu of approving individual plans, the board, at its discretion, may adopt by reference those plans approved by the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* under Section 13923. The board shall determine the additional cost involved in making deductions under this section, and the agency to receive the contributions shall pay the amount of the additional cost to the board for deposit in the retirement fund.

*SEC. 151. Section 22910 of the Government Code is amended to read:*

22910. (a) There shall be maintained in the State Treasury the Public Employees' Contingency Reserve Fund. The board may invest funds in the Public Employees' Contingency Reserve Fund in accordance with the ~~provisions of law~~ governing its investment of the retirement fund.

(b) (1) An account shall be maintained within the Public Employees' Contingency Reserve Fund with respect to the health benefit plans the board has approved or that have entered into a contract with the board. The account shall be credited, from time to time and in amounts as determined by the board, with moneys contributed under Section 22885 or 22901 to provide an adequate

1 contingency reserve. The income derived from any dividends, rate  
2 adjustments, or other funds received from a health benefit plan  
3 shall be credited to the account. The board may deposit, in the  
4 same manner as provided in paragraph (4), up to one-half of 1  
5 percent of premiums in the account for purposes of cost  
6 containment programs, subject to approval as provided in paragraph  
7 (2) of subdivision (c).

8 (2) The account for health benefit plans may be utilized to defray  
9 increases in future rates, to reduce the contributions of employees  
10 and annuitants and employers, to implement cost containment  
11 programs, or to increase the benefits provided by a health benefit  
12 plan, as determined by the board. The board may use penalties and  
13 interest deposited pursuant to subdivision (c) of Section 22899 to  
14 pay any difference between the adjusted rate set by the board  
15 pursuant to Section 22864 and the applicable health benefit plan  
16 contract rates.

17 (3) The total credited to the account for health benefit plans at  
18 any time shall be limited, in the manner and to the extent the board  
19 may find to be most practical, to a maximum of 10 percent of the  
20 total of the contributions of the employers and employees and  
21 annuitants in any fiscal year. The board may undertake any action  
22 to ensure that the maximum amount prescribed for the fund is  
23 approximately maintained.

24 (4) Board rules and regulations adopted pursuant to Section  
25 22831 to minimize the impact of adverse selection or contracts  
26 entered into pursuant to Section 22864 to implement health benefit  
27 plan performance incentives may provide for deposit in and  
28 disbursement to carriers or to Medicare from the account the  
29 portion of the contributions otherwise payable directly to the  
30 carriers by the Controller under Section 22913 as may be required  
31 for that purpose. The deposits shall not be included in applying  
32 the limitations, prescribed in paragraph (3), on total amounts that  
33 may be deposited in or credited to the fund.

34 (5) Notwithstanding Section 13340, all moneys in the account  
35 for health benefit plans are continuously appropriated without  
36 regard to fiscal year for the purposes provided in this subdivision.

37 (c) (1) An account shall also be maintained in the Public  
38 Employees' Contingency Reserve Fund for administrative expenses  
39 consisting of funds deposited for this purpose pursuant to Sections  
40 22885 and 22901.



(2) The moneys deposited pursuant to Sections 22885 and 22901 in the Public Employees' Contingency Reserve Fund may be expended by the board for administrative purposes, provided that the expenditure is approved by *in* the Department of Finance and the Joint Legislative Budget Committee in the manner provided in the Budget Act for obtaining authorization to expend at rates requiring a deficiency appropriation, regardless of whether the expenses were anticipated. *annual Budget Act.*

(d) An account shall be maintained in the Public Employees' Contingency Reserve Fund for the contributions required pursuant to Section 22870. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, for the payment of premiums or other charges to carriers or the Public Employees' Health Care Fund. This subdivision shall not apply to state administrative costs, which shall continue to be subject to Section 13340.

(e) An account shall be maintained in the Public Employees' Contingency Reserve Fund for the contributions required pursuant to Section 22890 and for payments made pursuant to subdivision (f) of Section 22850. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, for the payment of premiums or other charges to carriers or the Public Employees' Health Care Fund. Penalties and interest paid pursuant to subdivision (c) of Section 22899 shall be deposited in the account pursuant to paragraphs (1) and (2) of subdivision (b).

(f) Accounts shall be maintained in the Public Employees' Contingency Reserve Fund for complementary annuitant premiums and related administrative expenses paid by annuitants pursuant to Section 22802. Notwithstanding Section 13340, the funds are continuously appropriated, without regard to fiscal year, to reimburse the Public Employees' Retirement Fund, the Judges' Retirement Fund, the Judges' Retirement Fund II, and the Legislators' Retirement Fund, as applicable, for payment of annuitant health premiums, and for the payment of premiums and other charges to carriers or to the Public Employees' Health Care Fund. Administrative expenses deposited in this account shall be credited to the account provided by subdivision (c).

(g) Amounts received by the board for retiree drug subsidy payments that are attributed to contracting agencies and their annuitants and employees pursuant to subdivision (c) of Section

22910.5 shall be deposited in the Public Employees' Contingency Reserve Fund. Notwithstanding Section 13340, these amounts are continuously appropriated, without regard to fiscal year, for the payment of premiums, costs, contributions, or other benefits related to contracting agencies and their employees and annuitants, and as consistent with the Medicare Prescription Drug Improvement and Modernization Act, as amended.

(h) The Account for Retiree Drug Subsidy Payments is hereby established in the Public Employees' Contingency Reserve Fund and funds in that account shall, upon appropriation by the Legislature, be used for the purposes described in Section 22910.5.

(i) Notwithstanding any other law, the Controller may use the moneys in the Public Employees' Contingency Reserve Fund for loans to the General Fund as provided in Sections 16310 and 16381. However, interest shall be paid on all moneys loaned to the General Fund from the Public Employees' Contingency Reserve Fund. Interest payable shall be computed at a rate determined by the Pooled Money Investment Board to be the current earning rate of the fund from which loaned. This subdivision does not authorize any transfer that will interfere with the carrying out of the object for which the Public Employees' Contingency Reserve Fund was created.

*SEC. 152. Section 22911 of the Government Code is amended to read:*

22911. (a) There shall be maintained in the State Treasury the Public Employees' Health Care Fund to fund the health benefit plans administered or approved by the board. The board may invest funds in the Public Employees' Health Care Fund in accordance with the provisions of law governing its investment of the retirement fund.

(b) The Public Employees' Health Care Fund shall consist of the following:

(1) Any self-funded or minimum premium plan premiums paid by contracting agencies, the state and enrolled employees, annuitants, and family members, including premiums paid directly for continuation coverage authorized under the Consolidated Omnibus Budget Reconciliation Act, and as authorized by this part.

(2) Any reserve moneys from terminated health benefit plans designated by the board.

1 (3) Any moneys from a health benefit plan for risk adjustment  
2 pursuant to Section 22864.

3 (c) Income earned on the Public Employees' Health Care Fund  
4 shall be credited to the fund.

5 (d) Notwithstanding Section 13340, the Public Employees'  
6 Health Care Fund is continuously appropriated, without regard to  
7 fiscal years, to pay benefits and claims—costs, the costs of  
8 administering costs for self-funded or minimum premium health  
9 benefit plans, and refunds to those who made direct premium  
10 payments, and other costs as the board may determine necessary,  
11 consistent with its fiduciary duty. payments.

12 (e) The moneys deposited in the Public Employees' Health Care  
13 Fund may be expended by the board for administrative purposes  
14 provided that the expenditure is approved in the annual Budget  
15 Act.

16 (e)

17 (f) The Legislature finds and declares that the Public Employees'  
18 Health Care Fund is a trust fund held for the exclusive benefit of  
19 enrolled employees, annuitants, family members, the self-funded  
20 plan administrator, and those contracting to provide medical and  
21 hospital care services.

22 (f)

23 (g) Notwithstanding subdivisions (d) and (e), (f), the board may  
24 use reserves generated by one or more self-funded health benefit  
25 plans for risk adjustment programs and procedures pursuant to  
26 paragraph (3) of subdivision (f) of Section 22850 and paragraph  
27 (5) of subdivision (b) of Section 22864.

28 SEC. 153. Section 26749 of the Government Code is amended  
29 to read:

30 26749. The sheriff shall receive expenses necessarily incurred  
31 in conveying persons to and from the state hospitals and in  
32 conveying persons to and from the state prisons or other state  
33 institutions, or to other destinations for the purpose of deportation  
34 to other states, or in advancing actual traveling expenses to any  
35 person committed to a state institution who is permitted to report  
36 to an institution without escort, which expenses shall be allowed  
37 as provided by Chapter 6 (commencing with Section 4750) of Title  
38 5 of Part 3 of the Penal Code for cases subject to that chapter, and,  
39 otherwise, by the California Victim Compensation and Government

~~Claims Board~~ Department of General Services and paid by the state.

SEC. 154. Section 68503 of the Government Code is amended to read:

68503. Members of committees appointed pursuant to Section 68501 shall receive no compensation from the state for their services. When called into session by the Chairperson of the Judicial Council, members shall receive their actual and necessary expenses for travel, board, and lodging, which shall be paid from the funds appropriated to the use of the council. These expenses shall be approved in the manner that the council directs, and shall be audited by the Controller in accordance with the rules of the ~~California Victim Compensation and Government Claims Board~~. Department of General Services.

SEC. 155. Section 68506 of the Government Code is amended to read:

68506. All salaries and expenses incurred by the council pursuant to this article, including the necessary expenses for travel, board, and lodging of the members of the council and its officers, assistants, and other employees incurred in the performance of the duties and business of the council, shall be paid from the funds appropriated for the use of the council. The salaries and expenses shall be approved in the manner that the council directs, and shall be audited by the Controller in accordance with the rules of the ~~California Victim Compensation and Government Claims Board~~. Department of General Services.

SEC. 156. Section 68543 of the Government Code is amended to read:

68543. The extra compensation and expenses for travel, board, and lodging of judges sitting in the Supreme Court and courts of appeal under assignments made by the Chairperson of the Judicial Council shall be paid by the state under the rules adopted by the ~~California Victim Compensation and Government Claims Board~~ Department of General Services that are applicable to officers of the state provided for in Article VI of the California Constitution while traveling on official state business.

SEC. 157. Section 68543.5 of the Government Code is amended to read:

68543.5. (a) Whenever a judge who has retired under the Judges' Retirement System or the Judges' Retirement System II

1 is assigned to serve in a court of record, the state shall pay the  
2 judge for each day of service in the court in the amount specified  
3 in Section 68543.7, without loss or interruption of retirement  
4 benefits, unless the judge waives compensation under this section.  
5 Whenever a retired judge of a justice court who is not a member  
6 of the Judges' Retirement System nor the Judges' Retirement  
7 System II is assigned to serve in a court of record, the state shall  
8 pay the judge for each day of service in the court in the amount  
9 specified in Section 68543.7, or the compensation specified in  
10 Section 68541, whichever is greater. The compensation shall be  
11 paid by the Judicial Council out of any appropriation for extra  
12 compensation of judges assigned by the Chairperson of the Judicial  
13 Council.

14 (b) If a judge who has retired under the Judges' Retirement  
15 System or the Judges' Retirement System II is assigned to serve  
16 in a court of record, the 8-percent difference between the  
17 compensation of the retired judge while so assigned and the  
18 compensation of a judge of the court to which the retired judge is  
19 assigned shall be paid to the Judges' Retirement Fund or the  
20 Judges' Retirement System II Fund, as applicable.

21 (c) During the period of assignment, a retired judge shall be  
22 allowed expenses for travel, board, and lodging incurred in the  
23 discharge of the assignment. When assigned to sit in the county  
24 in which he or she resides, the judge shall be allowed expenses for  
25 travel and board incurred in the discharge of the assignment. The  
26 expenses for travel, board, and lodging shall be paid by the state  
27 under the rules adopted by the ~~California Victim Compensation~~  
28 ~~and Government Claims Board~~ *Department of General Services*  
29 that are applicable to officers of the state provided for in Article  
30 VI of the California Constitution while traveling on official state  
31 business.

32 (d) Notwithstanding subdivisions (a), (b), and (c) pertaining to  
33 compensation, a retired judge on senior judge status shall receive  
34 compensation from the state as provided in Sections 75028 and  
35 75028.2, and shall be allowed expenses for travel, board, and  
36 lodging incurred in the discharge of the assignment as provided  
37 in this section.

38 *SEC. 158. Section 68543.8 of the Government Code is amended*  
39 *to read:*

1     68543.8. (a) The Legislature finds that there is a shortage of  
2     judicial officers available to provide temporary assistance to courts  
3     in rural counties, under assignment by the chief justice. When  
4     courts are unable to obtain temporary assistance, delay of both  
5     civil trials and case settlements occur. The availability of an  
6     assigned judge can substantially reduce these delays. The purpose  
7     of this section is to make judicial assistance more available.

8     (b) The Judicial Council shall contract with up to 10 retired  
9     judges who shall be available to be assigned up to 110 court days  
10    each year by the Chairperson of the Judicial Council to courts in  
11    counties that have requested these judges for purposes of reducing  
12    delays in civil trials in those courts. If counties request more than  
13    10 retired judges pursuant to this section, the Judicial Council shall  
14    give priority in assigning the retired judges to counties with fewer  
15    than 10 judges.

16    A judge under contract pursuant to this section shall serve as  
17    assigned during the period of the contract and waives any right to  
18    refuse assignment as otherwise provided by law. This section shall  
19    not be construed to limit the authority of the Chief Justice to make  
20    assignments to expedite judicial business and to equalize the  
21    workload of judges.

22    (c) Notwithstanding Section 68543.5, each judge under contract  
23    pursuant to this section shall receive one-half of the daily salary  
24    of a superior court judge for each day of service, in addition to any  
25    retirement benefits to which the judge may be entitled.

26    (d) The assigned judge's salary shall be paid by the state. A  
27    retired judge under contract pursuant to this section shall be  
28    allowed expenses for travel, board, and lodging incurred in the  
29    discharge of each assignment. When assigned to sit in the county  
30    in which he or she resides, the judge shall be allowed necessary  
31    and reasonable expenses for travel and board incurred in the  
32    discharge of the assignment. The expenses for travel, board, and  
33    lodging shall be paid by the state under the rules adopted by the  
34    ~~California Victim Compensation and Government Claims Board~~  
35    *Department of General Services* that are applicable to officers of  
36    the state provided for in Article VI of the California Constitution  
37    while traveling on official state business.

38    *SEC. 159. Section 68565 of the Government Code is amended*  
39    *to read:*

1 68565. (a) The Judicial Council may establish a court  
2 interpreters advisory panel to assist the council in performing its  
3 duties under this article. The panel shall include a majority of court  
4 interpreters and may include judges and court administrators,  
5 members of the bar, and others interested in interpreter services  
6 in the courts. The panel shall develop operating guidelines and  
7 procedures for Judicial Council approval.

8 (b) The panel shall seek the advice of judges, attorneys, court  
9 administrators, court interpreters, providers of legal services, and  
10 individuals and organizations representing the interests of foreign  
11 language users.

12 (c) Panel members shall receive no compensation for their  
13 services but shall be allowed necessary expenses for travel, board,  
14 and lodging incurred in the discharge of their duties under the rules  
15 adopted by the ~~California Victim Compensation and Government~~  
16 ~~Claims Board~~. *Department of General Services.*

17 *SEC. 160. Section 1492 of the Health and Safety Code is*  
18 *amended to read:*

19 1492. A county hospital shall provide persons examined or  
20 treated in connection with rape or other sexual assaults with  
21 information regarding assistance which may be provided pursuant  
22 to Article 1 (commencing with Section 13959) of Chapter 5 of  
23 Part 4 of Division 3 of Title 2 of the Government Code, together  
24 with forms made available by the ~~State California Victim~~  
25 ~~Compensation Board of Control~~ for filing of claims thereunder.

26 *SEC. 161. Section 11502 of the Health and Safety Code is*  
27 *amended to read:*

28 11502. (a) All moneys, forfeited bail, or fines received by any  
29 court under this division shall as soon as practicable after the  
30 receipt thereof be deposited with the county treasurer of the county  
31 in which the court is situated. Amounts so deposited shall be paid  
32 at least once a month as follows: 75 percent to the State Treasurer  
33 by warrant of the county auditor drawn upon the requisition of the  
34 clerk or judge of the court to be deposited in the State Treasury  
35 on order of the ~~State Controller~~; and 25 percent to the city treasurer  
36 of the city, if the offense occurred in a city, otherwise to the  
37 treasurer of the county in which the prosecution is conducted.

38 (b) Any money deposited in the State Treasury under this section  
39 that is determined by the ~~State Controller~~ to have been erroneously  
40 deposited therein shall be refunded by him or her, ~~subject to the~~

1 approval of the California Victim Compensation and Government  
2 Claims Board prior to the payment of the refund; ~~her~~ out of any  
3 moneys in the State Treasury that are available by law for that  
4 purpose.

5 *SEC. 162. Section 13052 of the Health and Safety Code is*  
6 *amended to read:*

7 13052. (a) The public entity rendering the service may present  
8 a claim to the public entity liable therefor. If the claim is approved  
9 by the head of the fire department, if any, in the public entity to  
10 which the claim is presented, and by its governing body, it shall  
11 be paid in the same manner as other charges and if the claim is not  
12 paid, an action may be brought for its collection.

13 (b) Notwithstanding any other provision of this section, any  
14 claims against the state shall be presented to the ~~California Victim~~  
15 ~~Compensation and Government Claims Board~~ *Department of*  
16 *General Services* in accordance with Part 3 (commencing with  
17 Section 900) and Part 4 (commencing with Section 940) of Division  
18 3.6 of Title 1 of the Government Code.

19 *SEC. 163. Section 25370 of the Health and Safety Code is*  
20 *repealed.*

21 ~~25370. “Board” as used in this article, means the California~~  
22 ~~Victim Compensation and Government Claims Board.~~

23 *SEC. 164. Section 25372 of the Health and Safety Code is*  
24 *amended to read:*

25 25372. Any person may apply to the ~~board~~, *Department of*  
26 *General Services* pursuant to Section 25373, for compensation of  
27 a loss caused by the release, in California, of a hazardous substance  
28 if any of the following conditions are met:

29 (a) The source of the release of the hazardous substance, or the  
30 identity of the party liable for damages in connection therewith or  
31 responsible for the costs of removal of the hazardous substance,  
32 is unknown or cannot, with reasonable diligence, be determined.

33 (b) The loss was not compensable pursuant to law, including  
34 Chapter 6.5 (commencing with Section 25100), because there is  
35 no liable party or the judgment could not be satisfied, in whole or  
36 part, against the party determined to be liable for the release of the  
37 hazardous substance.

38 (c) The person has presented a written demand for  
39 compensation, which sets forth the basis for the claim, to the party  
40 which the person reasonably believes is liable for a loss specified



in paragraph (1) of subdivision (a) of Section 25375 which was incurred by that person and is compensable pursuant to this article, the person has presented the ~~board~~ *Department of General Services* with a copy of the demand, and, within 60 days after presenting the demand, the party has either rejected, in whole or in part, the demand to be compensated for a loss specified in paragraph (1) of subdivision (a) of Section 25375, or has not responded to the demand. Only losses specified in paragraph (1) of subdivision (a) of Section 25375 are compensable under a claim filed pursuant to this subdivision.

*SEC. 165. Section 25373 of the Health and Safety Code is amended to read:*

25373. ~~The board~~ *Department of General Services* shall prescribe appropriate forms and procedures for claims filed pursuant to this article, which shall include, as a minimum, all of the following:

(a) A provision requiring the claimant to make a sworn verification of the claim to the best of his or her knowledge.

(b) A full description, supported by appropriate evidence from government agencies of the release of the hazardous substance claimed to be the cause of the physical injury or illness or loss of income.

(c) Certification by the claimant of dates and places of residence for the five years preceding the date of the claim.

(d) Certification of the medical history of the claimant for the five years preceding the date of the claim, along with certification of the alleged physical injury or illness and expenses for the physical injury or illness. The certification shall be made by hospitals, physicians, or other qualified medical authorities.

(e) The claimant's income as reported on the claimant's federal income tax return for the preceding three years in order to compute lost wages or income.

(f) Any person who knowingly gives, or causes to be given, any false information as a part of any such claim shall be guilty of a misdemeanor and shall, upon conviction, be fined up to five thousand dollars (\$5,000), or imprisoned for not more than one year, or both.

*SEC. 166. Section 25374 of the Health and Safety Code is amended to read:*

1     25374. All decisions rendered by the ~~board~~ *Department of*  
2 *General Services* shall be in writing, with notification to all  
3 appropriate parties, and shall be rendered within 90 days of  
4 submission of a claim to the ~~board~~ *Department of General Services*  
5 unless all the parties to the claim agree in writing to an extension  
6 of time. The decision shall be considered a final agency action for  
7 the purposes of judicial review of the decision by any party to the  
8 proceedings resulting in the decision.

9     *SEC. 167. Section 25375 of the Health and Safety Code is*  
10 *amended to read:*

11     25375. (a) If the ~~board~~ *Department of General Services* makes  
12 the determination, specified in subdivision (b), that losses resulted  
13 from the claimant's damages, injury, or disease, only the following  
14 losses are compensable pursuant to this article:

15     (1) One hundred percent of uninsured, out-of-pocket medical  
16 expenses, for up to three years from the onset of treatment.

17     (2) Eighty percent of any uninsured, actual lost wages, or  
18 business income in lieu of wages, caused by injury to the claimant  
19 or the claimant's property, not to exceed fifteen thousand dollars  
20 (\$15,000) per year for three years.

21     (3) One hundred percent of uninsured, out-of-pocket expenses  
22 for remedial action on the claimant's property undertaken to  
23 address a release of a hazardous substance when all of the following  
24 apply:

25     (A) The claimant's property is an owner-occupied single-family  
26 residence.

27     (B) The remedial action was ordered by federal, state, or local  
28 authorities due to a release of a hazardous substance.

29     (C) The department makes one of the following determinations:

30     (i) The release of the hazardous substance originated outside  
31 the boundaries of the property.

32     (ii) The release of the hazardous substance occurred on the  
33 property, was the result of an action which violated state or federal  
34 law, and the responsible party cannot be identified or cannot be  
35 located, or a judgment against the responsible party cannot be  
36 satisfied.

37     The maximum compensation under this paragraph is limited to  
38 twenty-five thousand dollars (\$25,000) per residence and to one  
39 hundred thousand dollars (\$100,000) for five contiguous residential  
40 properties. Any compensation provided shall be reduced by the

1 amount that the remedial action results in a capital improvement  
2 to the claimant's residence.

3 (4) One hundred percent of the fair market value of  
4 owner-occupied real property that is rendered permanently unfit  
5 for occupancy because of the release of a hazardous substance.  
6 For purposes of this paragraph, real property is rendered  
7 permanently unfit for occupancy only if a state or federal agency  
8 requires that it be evacuated for a period of six or more months  
9 because of the release of a hazardous substance. The fair market  
10 value of the real property shall be determined by an independent  
11 appraiser, and shall be considered by the independent appraiser as  
12 being equal to the value of the real property prior to the release of  
13 the hazardous substance that caused the evacuation of the property.  
14 Where compensation is made by the ~~board~~ *Department of General*  
15 *Services* pursuant to this paragraph, sole ownership of the real  
16 property shall be transferred to the state and any proceeds resulting  
17 from the final disposition of the real property shall be deposited  
18 into the state account, for expenditure by the department upon  
19 appropriation by the Legislature. To be eligible for compensation  
20 pursuant to this paragraph, claims for compensation shall be made  
21 within 12 months of the date on which the evacuation was ordered.

22 (5) One hundred percent of the expenses incurred due to the  
23 evacuation of a residence ordered by a state or federal agency. For  
24 purposes of this paragraph, "evacuation expenses" include the cost  
25 of shelter and any other emergency expenditures incurred due to  
26 an evacuation ordered by a state or federal agency. The ~~board~~  
27 *Department of General Services* may provide compensation,  
28 pursuant to this paragraph, only if it finds that the evacuation  
29 expenses represent reasonable costs for the goods or services  
30 purchased, and would not have been incurred if an evacuation  
31 caused by a hazardous substance release had not occurred. The  
32 ~~board~~ *Department of General Services* may provide compensation  
33 for these evacuation expenses only if they were incurred within  
34 12 months from the date on which evacuation was ordered.

35 (b) A loss specified in subdivision (a) is compensable if the  
36 ~~board~~ *Department of General Services* makes all of the following  
37 findings, based upon a preponderance of the evidence:

38 (1) A release of a hazardous substance occurred.

39 (2) The claimant or the claimant's property was exposed to the  
40 release of the hazardous substance.

1 (3) The exposure of the claimant to the release of the hazardous  
2 substance was of such a duration, and to such a quantity of the  
3 hazardous substance, that the exposure caused the damages, injury,  
4 or disease which resulted in the claimant's loss.

5 (4) For purposes of paragraphs (4) and (5) of subdivision (a),  
6 the hazardous substance release, or the order which resulted in the  
7 claim for compensation occurred on or after January 1, 1986.

8 (5) The conditions and requirements of this article including,  
9 but not limited to, the conditions of Sections 25372 and 25373,  
10 have been met.

11 (c) No money shall be used for the payment of any claim  
12 authorized by this chapter, where the claim is the result of  
13 long-term exposure to ambient concentrations of air pollutants.

14 *SEC. 168. Section 25375.5 of the Health and Safety Code is*  
15 *amended to read:*

16 25375.5. (a) Except as specified in subdivision (b), the  
17 procedures specified in Article 8 (commencing with Section  
18 11435.05) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of, and  
19 in Section 11513 of, the Government Code apply to the proceedings  
20 conducted by the ~~board~~ Department of General Services pursuant  
21 to this article.

22 (b) Notwithstanding subdivision (a), Sections 801, 802, 803,  
23 804, and 805 of the Evidence Code apply to the proceedings  
24 conducted by the ~~board~~ Department of General Services pursuant  
25 to this article.

26 (c) The ~~board~~ Department of General Services may consider  
27 evidence presented by any person against whom a demand was  
28 made pursuant to subdivision (c) of Section 25372. The evidence  
29 presented by that person shall become a part of the record upon  
30 which the ~~board's~~ Department of General Services' decision shall  
31 be based.

32 *SEC. 169. Section 25376 of the Health and Safety Code is*  
33 *amended to read:*

34 25376. No claim may be presented to the ~~board~~ Department  
35 of General Services pursuant to this article later than three years  
36 from the date of discovery of the loss or from January 1, 1982,  
37 whichever is later.

38 *SEC. 170. Section 25377 of the Health and Safety Code is*  
39 *amended to read:*

1 25377. Nothing in this article shall require, or be deemed to  
2 require, pursuit of any claim against the ~~board~~ *Department of*  
3 *General Services* as a condition precedent to any other remedy.

4 SEC. 171. *Section 25379 of the Health and Safety Code is*  
5 *amended to read:*

6 25379. (a) The following evidence is not admissible as  
7 evidence in any civil or criminal proceeding, including a  
8 subrogation action by the state pursuant to Section 25380, to  
9 establish the liability of any person for any damages alleged to  
10 have been caused by a release of a hazardous substance:

11 (1) A final decision made by the ~~board~~ *Department of General*  
12 *Services* pursuant to this article.

13 (2) A decision made by the ~~board~~ *Department of General*  
14 *Services* to admit or not admit any evidence.

15 (3) Any finding of fact or conclusion of law entered by the ~~board~~  
16 *Department of General Services* in a proceeding for a claim  
17 pursuant to this article.

18 (4) The fact that any person has done any of the following in a  
19 proceeding for a claim pursuant to Section 25372:

20 (A) Chosen to participate or appear.

21 (B) Chosen not to participate or appear.

22 (C) Failed to appear.

23 (D) Settled or offered to settle the claim.

24 (b) Subdivision (a) does not apply to any civil action or writ by  
25 a claimant against the ~~board~~ *Department of General Services* for  
26 any act, decision, or failure to act on a claim submitted by the  
27 claimant.

28 SEC. 172. *Section 25380 of the Health and Safety Code is*  
29 *amended to read:*

30 25380. Compensation of any loss pursuant to this article shall  
31 be subject to the state's acquiring, by subrogation, all rights of the  
32 claimant to recover the loss from the party determined to be liable  
33 therefor. Upon the request of the ~~board~~, *Department of General*  
34 *Services*, the Attorney General shall commence an action in the  
35 name of the people of the State of California to recover any amount  
36 paid in compensation for any loss pursuant to this article against  
37 any party who is liable to the claimant for any loss compensable  
38 pursuant to this article in accordance with the procedures set forth  
39 in Sections 25360 to 25364, inclusive. Moneys recovered pursuant  
40 to this section shall be deposited in the state account.

1     *SEC. 173. Section 25381 of the Health and Safety Code is*  
2     *amended to read:*

3     25381. (a) ~~The board~~ *Department of General Services* shall,  
4     in consultation with the department, adopt, and revise when  
5     appropriate, all rules and regulations necessary to implement this  
6     article, including methods that provide for establishing that a  
7     claimant has exercised reasonable diligence in satisfying the  
8     conditions specified in Sections 25372, 25373, 25375, and 25375.5,  
9     and regulations that specify the proof necessary to establish a loss  
10    compensable pursuant to this article.

11    (b) Claims approved by ~~the board~~ *Department of General*  
12    *Services* pursuant to this article shall be paid from the state account.

13    (c) The Legislature may appropriate up to two million dollars  
14    (\$2,000,000) annually from the state account to be used by the  
15    ~~board~~ *Department of General Services* for the payment of awards  
16    pursuant to this article.

17    (d) Claims against or presented to ~~the board~~ *Department of*  
18    *General Services* shall not be paid in excess of the amount of  
19    money appropriated for this purpose from the state account. These  
20    claims shall be paid only when additional money is collected,  
21    appropriated, or otherwise added to that account.

22    *SEC. 174. Section 25382 of the Health and Safety Code is*  
23    *amended to read:*

24    25382. ~~The board~~ *Department of General Services* may expend  
25    from the state account those sums of money as are reasonably  
26    necessary to administer and carry out this article.

27    *SEC. 175. Section 121270 of the Health and Safety Code is*  
28    *amended to read:*

29    121270. (a) There is hereby created the AIDS Vaccine Victims  
30    Compensation Fund.

31    (b) For the purposes of this section, the following definitions  
32    apply:

33    (1) "AIDS vaccine" means a vaccine that (A) has been  
34    developed by any manufacturer and (B) is approved by the FDA  
35    or the department pursuant to Part 5 (commencing with Section  
36    109875) of Division 104 as a safe and efficacious vaccine for the  
37    purpose of immunizing against AIDS.

38    ~~(2) "Board" means the California Victim Compensation and~~  
39    ~~Government Claims Board.~~

40    ~~(3)~~

(2) “Damages for personal injuries” means the direct medical costs for the care and treatment of injuries to any person, including a person entitled to recover damages under Section 377 of the Code of Civil Procedure, proximately caused by an AIDS vaccine, the loss of earnings caused by the injuries, and the amount necessary, but not to exceed five hundred fifty thousand dollars (\$550,000), to compensate for noneconomic losses, including pain and suffering caused by the injuries.

(4)

(3) “Fund” means the AIDS Vaccine Victims Compensation Fund.

(c) The ~~board~~ *Department of General Services* shall pay from the fund, contingent entirely upon the availability of moneys as provided in subdivision (o), damages for personal injuries caused by an AIDS vaccine that is sold in or delivered in California, and administered or dispersed in California to the injured person except that no payment shall be made for any of the following:

(1) Damages for personal injuries caused by the vaccine to the extent that they are attributable to the comparative negligence of the person making the claim.

(2) Damages for personal injuries in any instance when the manufacturer has been found to be liable for the injuries in a court of law.

(3) Damages for personal injuries due to a vaccination administered during a clinical trial.

(d) An application for payment of damages for personal injuries shall be made on a form prescribed by the ~~board~~ *Department of General Services* within one year of the date that the injury and its cause are discovered. This application may be required to be verified. Upon receipt, the ~~board~~ *Department of General Services* may require the submission of additional information necessary to evaluate the claim.

(e) (1) Within 45 days of the receipt of the application and the submission of any additional information, the ~~board~~ *Department of General Services* shall do either of the following:

(A) Allow the claim in whole or part.

(B) Disallow the claim.

(2) In those instances of unusual hardship to the victim, the board may grant an emergency award to the injured person to cover

1 immediate needs upon agreement by the injured person to repay  
2 in the event of a final determination denying the claim.

3 (3) If the claim is denied in whole or part, the victim may apply  
4 within 60 days of denial for a hearing. The hearing shall be held  
5 within 60 days of the request for a hearing unless the injured person  
6 requests a later hearing.

7 (f) At the hearing, the injured person may be represented by  
8 counsel and may present relevant evidence as defined in  
9 subdivision (c) of Section 11513 of the Government Code. The  
10 ~~board~~ *Department of General Services* may consider additional  
11 evidence presented by its staff. If the injured person declines to  
12 appear at the hearing, the ~~board~~ *Department of General Services*  
13 may act solely upon the application, the staff report, and other  
14 evidence that appears on the record.

15 (g) The ~~board~~ *Department of General Services* may delegate  
16 the hearing of applications to hearing examiners.

17 (h) The decision of the ~~board~~ *Department of General Services*  
18 shall be in writing and shall be delivered or mailed to the injured  
19 person within 30 days of the hearing. Upon the request by the  
20 applicant within 30 days of delivery or mailing, the ~~board~~  
21 *Department of General Services* may reconsider its decision.

22 (i) Judicial review of a decision shall be under Section 1094.5  
23 of the Code of Civil Procedure, and the court shall exercise its  
24 independent judgment. A petition for review shall be filed as  
25 follows:

26 (1) If no request for reconsideration is made, within 30 days of  
27 personal delivery or mailing of the ~~board's~~ *Department of General*  
28 *Services'* decision on the application.

29 (2) If a timely request for reconsideration is filed and rejected  
30 by the ~~board~~, *Department of General Services*, within 30 days of  
31 personal delivery or mailing of the notice of rejection.

32 (3) If a timely request for reconsideration is filed and granted  
33 by the ~~board~~, *Department of General Services*, or reconsideration  
34 is ordered by the ~~board~~, *Department of General Services*, within  
35 30 days of personal delivery or mailing of the final decision on  
36 the reconsidered application.

37 (j) The ~~board~~ *Department of General Services* shall adopt  
38 regulations to implement this section, including those governing  
39 discovery.



1 (k) The fund is subrogated to any right or claim that any injured  
2 person may have who receives compensation pursuant to this  
3 section, or any right or claim that the person's personal  
4 representative, legal guardian, estate, or survivor may have, against  
5 any third party who is liable for the personal injuries caused by  
6 the AIDS vaccine, and the fund shall be entitled to indemnity from  
7 that third party. The fund shall also be entitled to a lien on the  
8 judgment, award, or settlement in the amount of any payments  
9 made to the injured person.

10 (l) In the event that the injured person, or his or her guardian,  
11 personal representative, estate, or survivors, or any of them, bring  
12 an action for damages against the person or persons liable for the  
13 injury or death giving rise to an award by the ~~board~~ *Department*  
14 *of General Services* under this section, notice of institution of legal  
15 proceedings and notice of any settlement shall be given to the  
16 ~~board~~ *Department of General Services* in Sacramento except in  
17 cases where the ~~board~~ *Department of General Services* specifies  
18 that notice shall be given to the Attorney General. All notices shall  
19 be given by the attorney employed to bring the action for damages  
20 or by the injured person, or his or her guardian, personal  
21 representative, estate, or survivors, if no attorney is employed.

22 (m) This section is not intended to affect the right of any  
23 individual to pursue claims against the fund and lawsuits against  
24 manufacturers concurrently, except that the fund shall be entitled  
25 to a lien on the judgment, award, or settlement in the amount of  
26 any payments made to the injured party by the fund.

27 (n) There is hereby created the AIDS Vaccine Injury  
28 Compensation Policy Review Task Force consisting of 14  
29 members. The task force shall be composed of 10 members  
30 appointed by the Governor, of which two shall be from a list  
31 provided by the California Trial Lawyers Association, one from  
32 the department, the Director of Finance, one unspecified member,  
33 and one attorney with experience and expertise in products liability  
34 and negligence defense work, two representing recognized groups  
35 that represent victims of vaccine induced injuries or AIDS victims,  
36 or both, and two representing manufacturers actively engaged in  
37 developing an AIDS vaccine. In addition four Members of the  
38 Legislature or their designees shall be appointed to the task force,  
39 two of which shall be appointed by the Speaker of the Assembly  
40 and two of which shall be appointed by the Senate Committee on

1 Rules. The chairperson of the task force shall be appointed by the  
2 Governor from the membership of the task force. The task force  
3 shall study and make recommendations on the legislative  
4 implementation of the fund created by subdivision (a). These  
5 recommendations shall at least address the following issues:

6 (1) The process by which victims are to be compensated through  
7 the fund.

8 (2) The procedures by which the fund will operate and the  
9 governance of the fund.

10 (3) The method by which manufacturers are to pay into the fund  
11 and the amount of that payment.

12 (4) The procedural relationship between a potential victim's  
13 claim through the fund and a court claim made against the  
14 manufacturer.

15 (5) Other issues deemed appropriate by the task force.

16 The task force shall make its recommendations to the Legislature  
17 on or before June 30, 1987.

18 (o) The fund shall be funded wholly by a surcharge on the sale  
19 of an AIDS vaccine, that has been approved by the FDA, or by  
20 the department pursuant to Part 5 (commencing with Section  
21 109875) of Division 104, in California in an amount to be  
22 determined by the department. The surcharge shall be levied on  
23 the sale of each unit of the vaccine sold or delivered, administered,  
24 or dispensed in California. The appropriate amount of the surcharge  
25 shall be studied by the AIDS Vaccine Injury Compensation Policy  
26 Review Task Force, which shall recommend the appropriate  
27 amount as part of its report, with the amount of the surcharge not  
28 to exceed ten dollars (\$10) per unit of vaccine. Expenditures of  
29 the task force shall be made at the discretion of the Director of  
30 Finance or the director's designee.

31 (p) For purposes of this section, claims against the fund are  
32 contingent upon the existing resources of the fund as provided in  
33 subdivision (o), and in no case shall the state be liable for any  
34 claims in excess of the resources in the fund.

35 *SEC. 176. Section 11580.1 of the Insurance Code is amended*  
36 *to read:*

37 11580.1. (a) No policy of automobile liability insurance  
38 described in Section 16054 of the Vehicle Code covering liability  
39 arising out of the ownership, maintenance, or use of any motor  
40 vehicle shall be issued or delivered in this state on or after the

1 effective date of this section unless it contains the provisions set  
2 forth in subdivision (b). However, none of the requirements of  
3 subdivision (b) shall apply to the insurance afforded under the  
4 policy (1) to the extent that the insurance exceeds the limits  
5 specified in subdivision (a) of Section 16056 of the Vehicle Code,  
6 or (2) if the policy contains an underlying insurance requirement,  
7 or provides for a retained limit of self-insurance, equal to or greater  
8 than the limits specified in subdivision (a) of Section 16056 of the  
9 Vehicle Code.

10 (b) Every policy of automobile liability insurance to which  
11 subdivision (a) applies shall contain all of the following provisions:

12 (1) Coverage limits not less than the limits specified in  
13 subdivision (a) of Section 16056 of the Vehicle Code.

14 (2) Designation by explicit description of, or appropriate  
15 reference to, the motor vehicles or class of motor vehicles to which  
16 coverage is specifically granted.

17 (3) Designation by explicit description of the purposes for which  
18 coverage for those motor vehicles is specifically excluded.

19 (4) Provision affording insurance to the named insured with  
20 respect to any owned or leased motor vehicle covered by the policy,  
21 and to the same extent that insurance is afforded to the named  
22 insured, to any other person using the motor vehicle, provided the  
23 use is by the named insured or with his or her permission, express  
24 or implied, and within the scope of that permission, except that:  
25 (A) with regard to insurance afforded for the loading or unloading  
26 of the motor vehicle, the insurance may be limited to apply only  
27 to the named insured, a relative of the named insured who is a  
28 resident of the named insured's household, a lessee or bailee of  
29 the motor vehicle, or an employee of any of those persons; and  
30 (B) the insurance afforded to any person other than the named  
31 insured need not apply to: (i) any employee with respect to bodily  
32 injury sustained by a fellow employee injured in the scope and  
33 course of his or her employment, or (ii) any person, or to any agent  
34 or employee thereof, employed or otherwise engaged in the  
35 business of selling, repairing, servicing, delivering, testing,  
36 road-testing, parking, or storing automobiles with respect to any  
37 accident arising out of the maintenance or use of a motor vehicle  
38 in connection therewith. As used in this chapter, "owned motor  
39 vehicle" includes all motor vehicles described and rated in the  
40 policy.

(c) In addition to any exclusion provided in paragraph (3) of subdivision (b), the insurance afforded by any policy of automobile liability insurance to which subdivision (a) applies, including the insurer's obligation to defend, may, by appropriate policy provision, be made inapplicable to any or all of the following:

(1) Liability assumed by the insured under contract.

(2) Liability for bodily injury or property damage caused intentionally by or at the direction of the insured.

(3) Liability imposed upon or assumed by the insured under any workers' compensation law.

(4) Liability for bodily injury to any employee of the insured arising out of and in the course of his or her employment.

(5) Liability for bodily injury to an insured or liability for bodily injury to an insured whenever the ultimate benefits of that indemnification accrue directly or indirectly to an insured.

(6) Liability for damage to property owned, rented to, transported by, or in the charge of, an insured. A motor vehicle operated by an insured shall be considered to be property in the charge of an insured.

(7) Liability for any bodily injury or property damage with respect to which insurance is or can be afforded under a nuclear energy liability policy.

(8) Any motor vehicle or class of motor vehicles, as described or designated in the policy, with respect to which coverage is explicitly excluded, in whole or in part.

"The insured" as used in paragraphs (1), (2), (3), and (4) shall mean only that insured under the policy against whom the particular claim is made or suit brought. "An insured" as used in paragraphs (5) and (6) shall mean any insured under the policy including those persons who would have otherwise been included within the policy's definition of an insured but, by agreement, are subject to the limitations of paragraph (1) of subdivision (d).

(d) Notwithstanding paragraph (4) of subdivision (b), or Article 2 (commencing with Section 16450) of Chapter 3 of Division 7 of, or Article 2 (commencing with Section 17150) of Chapter 1 of Division 9 of, the Vehicle Code, the insurer and any named insured may, by the terms of any policy of automobile liability insurance to which subdivision (a) applies, or by a separate writing relating thereto, agree as to either or both of the following limitations, the

1 agreement to be binding upon every insured to whom the policy  
2 applies and upon every third-party claimant:

3 (1) That coverage and the insurer's obligation to defend under  
4 the policy shall not apply nor accrue to the benefit of any insured  
5 or any third-party claimant while any motor vehicle is being used  
6 or operated by a natural person or persons designated by name.  
7 These limitations shall apply to any use or operation of a motor  
8 vehicle, including the negligent or alleged negligent entrustment  
9 of a motor vehicle to that designated person or persons. This  
10 agreement applies to all coverage provided by that policy and is  
11 sufficient to comply with the requirements of paragraph (2) of  
12 subdivision (a) of Section 11580.2 to delete coverage when a motor  
13 vehicle is operated by a natural person or persons designated by  
14 name. The insurer shall have an obligation to defend the named  
15 insured when all of the following apply to that designated natural  
16 person:

17 (A) He or she is a resident of the same household as the named  
18 insured.

19 (B) As a result of operating the insured motor vehicle of the  
20 named insured, he or she is jointly sued with the named insured.

21 (C) He or she is an insured under a separate automobile liability  
22 insurance policy issued to him or her as a named insured, which  
23 policy does not provide a defense to the named insured.

24 An agreement made by the insurer and any named insured more  
25 than 60 days following the inception of the policy excluding a  
26 designated person by name shall be effective from the date of the  
27 agreement and shall, with the signature of a named insured, be  
28 conclusive evidence of the validity of the agreement.

29 That agreement shall remain in force as long as the policy  
30 remains in force, and shall apply to any continuation, renewal, or  
31 replacement of the policy by the named insured, or reinstatement  
32 of the policy within 30 days of any lapse thereof.

33 (2) That with regard to a policy issued to a named insured  
34 engaged in the business of leasing vehicles for those vehicles that  
35 are leased for a term in excess of six months, or selling, repairing,  
36 servicing, delivering, testing, road-testing, parking, or storing  
37 automobiles, coverage shall not apply to any person other than the  
38 named insured or his or her agent or employee, except to the extent  
39 that the limits of liability of any other valid and collectible  
40 insurance available to that person are not equal to the limits of

1 liability specified in subdivision (a) of Section 16056 of the Vehicle  
2 Code. If the policy is issued to a named insured engaged in the  
3 business of leasing vehicles, which business includes the lease of  
4 vehicles for a term in excess of six months, and the lessor includes  
5 in the lease automobile liability insurance, the terms and limits of  
6 which are not otherwise specified in the lease, the named insured  
7 shall incorporate a provision in each vehicle lease contract advising  
8 the lessee of the provisions of this subdivision and the fact that  
9 this limitation is applicable except as otherwise provided for by  
10 statute or federal law.

11 (e) Nothing in this section or in Section 16054 or 16450 of the  
12 Vehicle Code shall be construed to constitute a homeowner's  
13 policy, personal and residence liability policy, personal and farm  
14 liability policy, general liability policy, comprehensive personal  
15 liability policy, manufacturers' and contractors' policy, premises  
16 liability policy, special multiperil policy, or any policy or  
17 endorsement where automobile liability coverage is offered as  
18 incidental to some other basic coverage as an "automobile liability  
19 policy" within the meaning of Section 16054 of the Vehicle Code,  
20 or as a "motor vehicle liability policy" within the meaning of  
21 Section 16450 of the Vehicle Code, nor shall this section apply to  
22 a policy that provides insurance covering liability arising out of  
23 the ownership, maintenance, or use of any motor vehicle in the  
24 Republic of Mexico issued or delivered in this state by a  
25 nonadmitted Mexican insurer, notwithstanding that the policy may  
26 provide automobile or motor vehicle liability coverage on insured  
27 premises or the ways immediately adjoining.

28 (f) (1) On and after January 1, 1976, no policy of automobile  
29 liability insurance described in subdivision (a) shall be issued,  
30 amended, or renewed in this state if it contains any provision that  
31 expressly or impliedly excludes from coverage under the policy  
32 the operation or use of an insured motor vehicle by the named  
33 insured in the performance of volunteer services for a nonprofit  
34 charitable organization or governmental agency by providing social  
35 service transportation. This subdivision shall not apply in any case  
36 in which the named insured receives any remuneration of any kind  
37 other than reimbursement for actual mileage driven in the  
38 performance of those services at a rate not to exceed the following:

(A) For the 1980–81 fiscal year, the maximum rate authorized by the California Victim Compensation and Government Claims Board, which Board shall also be known as the “base rate.”

(B) For each fiscal year thereafter, the greater of either (A) the maximum rate authorized by the California Victim Compensation and Government Claims Board Department of General Services or (B) the base rate as adjusted by the California Consumer Price Index.

(2) No policy of insurance issued under this section may be canceled by an insurer solely for the reason that the named insured is performing volunteer services for a nonprofit charitable organization or governmental agency consisting of providing social service transportation.

(3) For the purposes of this section, “social service transportation” means transportation services provided by private nonprofit organizations or individuals to either individuals who are senior citizens or individuals or groups of individuals who have special transportation needs because of physical or mental conditions and supported in whole or in part by funding from private or public agencies.

(g) Notwithstanding paragraph (4) of subdivision (b), or Article 2 (commencing with Section 16450) of Chapter 3 of Division 7 of, or Article 2 (commencing with Section 17150) of Chapter 1 of Division 9 of, the Vehicle Code, a Mexican nonadmitted insurer and any named insured may, by the terms of any policy of automobile insurance for use solely in the Republic of Mexico to which subdivision (a) applies, or by a separate writing relating thereto, agree to the limitation that coverage under that policy shall not apply to any person riding in or occupying a vehicle owned by the insured or driven by another person with the permission of the insured. The agreement shall be binding upon every insured to whom the policy applies and upon any third-party claimant.

(h) No policy of automobile insurance that provides insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle solely in the Republic of Mexico issued by a nonadmitted Mexican insurance company, shall be subject to, or provide coverage for, those coverages provided in Section 11580.2.

*SEC. 177. Section 11872 of the Insurance Code is amended to read:*

1 11872. The fund may annually enter into agreements with state  
2 agencies for service to be rendered to the fund. These state agencies  
3 include, but shall not be limited to: the Department of Finance,  
4 Department of General Services, State Personnel Board, and the  
5 Public Employees' Retirement System. If these agencies and the  
6 fund cannot agree upon the cost of services provided by the  
7 agreements, the ~~California Victim Compensation and Government~~  
8 ~~Claims Board~~ Department of General Services shall be requested  
9 to arrive at an equitable settlement.

10 SEC. 178. Section 1308.10 of the Labor Code is amended to  
11 read:

12 1308.10. (a) Prior to the employment of a minor under the age  
13 of 16 years in any of the circumstances listed in subdivision (a) of  
14 Section 1308.5, the Labor Commissioner may issue a temporary  
15 permit authorizing employment of the minor to enable a parent or  
16 guardian of the minor to meet the requirement for a permit under  
17 subdivision (a) of Section 1308.5 and to establish a trust account  
18 for the minor or to produce the documentation required by the  
19 Labor Commissioner for the issuance of a permit under Section  
20 1308.5, subject to all of the following conditions:

21 (1) A temporary permit shall be valid for a period not to exceed  
22 10 days from the date of issuance.

23 (2) A temporary permit shall not be issued for the employment  
24 of a minor if the minor's parent or guardian has previously applied  
25 for or been issued a permit by the Labor Commissioner pursuant  
26 to Section 1308.5 or a temporary permit pursuant to this section  
27 for employment of the minor.

28 (3) For infants who are subject to the requirements of Section  
29 1308.8, a temporary permit shall not be issued before the  
30 requirements of that section are met.

31 (4) The Division of Labor Standards Enforcement shall prepare  
32 and make available on its Internet Web site the application form  
33 for a temporary permit. An applicant for a temporary permit shall  
34 submit a completed application and application fee online to the  
35 division. Upon receipt of the completed application and fee, the  
36 division shall immediately issue a temporary permit.

37 ~~(b) The Labor Commissioner shall deposit all fees for temporary~~  
38 ~~permits received into the Entertainment Work Permit Fund, which~~  
39 ~~is hereby created in the State Treasury. The funds deposited in the~~  
40 ~~Entertainment Work Permit Fund shall be available to the Labor~~



Commissioner, upon appropriation by the Legislature, to pay for the costs of administration of the online temporary minor's entertainment work permit program and to repay any loan from the Labor Enforcement and Compliance Fund made pursuant to subdivision (c).

(c) The Labor Commissioner may on a one-time basis borrow up to two hundred fifty thousand dollars (\$250,000) from the Labor Enforcement and Compliance Fund, as established by subdivision (e) of Section 62.5, for deposit in the Entertainment Work Permit Fund to cover the one-time startup costs related to the temporary permit program. The loan shall be repaid to the Labor Enforcement and Compliance Fund as soon as sufficient funds exist in the Entertainment Work Permit Fund to repay the loan without compromising the operations of the temporary work permit program.

(d)

(b) The Labor Commissioner shall set forth the fee in an amount sufficient to pay for these costs, the costs of administering the online temporary minor's entertainment work permit program, but not to exceed fifty dollars (\$50).

SEC. 179. Section 1308.11 is added to the Labor Code, to read:

1308.11. (a) All registrations, fees, and permit fees collected under this article shall be deposited in the Labor Enforcement and Compliance Fund.

(b) On the effective date of this section, any moneys in the Entertainment Work Permit Fund and any assets, liabilities, revenues, expenditures, and encumbrances of that fund shall be transferred to the Labor Enforcement and Compliance Fund.

SEC. 180. Section 1684 of the Labor Code is amended to read:

1684. (a) The Labor Commissioner shall not issue to any person a license to act as a farm labor contractor, nor shall the Labor Commissioner renew that license, until all of the following conditions are satisfied:

(1) The person has executed a written application in a form prescribed by the Labor Commissioner, subscribed and sworn to by the person, and containing all of the following:

(A) A statement by the person of all facts required by the Labor Commissioner concerning the applicant's character, competency, responsibility, and the manner and method by which the person

1 proposes to conduct operations as a farm labor contractor if the  
2 license is issued.

3 (B) The names and addresses of all persons, except bona fide  
4 employees on stated salaries, financially interested, either as  
5 partners, associates, or profit sharers, in the proposed operation as  
6 a farm labor contractor, together with the amount of their respective  
7 interests.

8 (C) A declaration consenting to the designation by a court of  
9 the Labor Commissioner as an agent available to accept service  
10 of summons in any action against the licensee if the licensee has  
11 left the jurisdiction in which the action is commenced or otherwise  
12 has become unavailable to accept service.

13 (D) The names and addresses of all persons who in the previous  
14 calendar year performed any services described in subdivision (b)  
15 of Section 1682 within the scope of his or her employment by the  
16 licensee on whose behalf he or she was acting, unless the person  
17 was employed as an independent contractor.

18 (2) The Labor Commissioner, after investigation, is satisfied as  
19 to the character, competency, and responsibility of the person.

20 (3) (A) The person has deposited with the Labor Commissioner  
21 a surety bond in an amount based on the size of the person's annual  
22 payroll for all employees, as follows:

23 (i) For payrolls up to five hundred thousand dollars (\$500,000),  
24 a twenty-five-thousand-dollar (\$25,000) bond.

25 (ii) For payrolls of five hundred thousand dollars (\$500,000) to  
26 two million dollars (\$2,000,000), a fifty-thousand-dollar (\$50,000)  
27 bond.

28 (iii) For payrolls greater than two million dollars (\$2,000,000),  
29 a seventy-five-thousand-dollar (\$75,000) bond.

30 (B) For purposes of this paragraph, the Labor Commissioner  
31 shall require documentation of the size of the person's annual  
32 ~~payroll~~ *payroll*, which may include, but is not limited to,  
33 information provided by the person to the Employment  
34 Development Department, the Franchise Tax Board, the Division  
35 of Workers' Compensation, the insurer providing the licensee's  
36 workers' compensation insurance, or the Internal Revenue Service.

37 (C) If the contractor has been the subject of a final judgment in  
38 a year in an amount equal to or greater than the amount of the bond  
39 required, he or she shall be required to deposit an additional bond  
40 within 60 days.

(D) All bonds required under this chapter shall be payable to the people of the State of California and shall be conditioned upon the farm labor contractor's compliance with all the terms and provisions of this chapter and subdivisions (j) and (k) of Section 12940 of, and Sections 12950 and 12950.1 of, the Government Code, and payment of all damages occasioned to any person by failure to do so, or by any violation of this chapter or of subdivision (j) or (k) of Section 12940 of, or of Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352), or false statements or misrepresentations made in the procurement of the license. The bond shall also be payable for interest on wages and for any damages arising from violation of orders of the Industrial Welfare Commission, and for any other monetary relief awarded to an agricultural worker as a result of a violation of this code or of subdivision (j) or (k) of Section 12940 of, or Section 12950 or 12950.1 of, the Government Code, or any violation of Title VII of the Civil Rights Act of 1964 (Public Law 88-352).

(4) The person has paid to the Labor Commissioner a license fee of five hundred dollars (\$500) plus a filing fee of ten dollars (\$10). However, when a timely application for renewal is filed, the ten-dollar (\$10) filing fee is not required. The license fee shall increase by one hundred dollars (\$100), to six hundred dollars (\$600), on January 1, 2015. The amount attributable to this increase shall be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit. ~~Notwithstanding Section 1698, no portion of that increase shall be credited to the General Fund.~~ The Labor Commissioner shall deposit one hundred fifty dollars (\$150) of each licensee's annual license fee into the Farmworker Remedial Account. Funds from this account shall be disbursed by the Labor Commissioner only to persons determined by the Labor Commissioner to have been damaged by any licensee if the damage exceeds the amount of the licensee's bond or the surety fails to pay the full amount of the licensee's bond, or to persons determined by the Labor Commissioner to have been damaged by an unlicensed farm labor contractor. In making these determinations, the Labor Commissioner shall disburse funds from the Farmworker Remedial Account to satisfy claims against farm labor contractors or unlicensed farm labor contractors, which shall also include

1 interest on wages and any damages arising from the violation of  
2 orders of the Industrial Welfare Commission, for any other  
3 monetary relief awarded to an agricultural worker as a result of a  
4 violation of this code, and for all damages arising from any  
5 violation of subdivision (j) or (k) of Section 12940 of, or of Section  
6 12950 or 12950.1 of, the Government Code, or any violation of  
7 Title VII of the Civil Rights Act of 1964 (Public Law 88-352).  
8 The Labor Commissioner may disburse funds from the Farmworker  
9 Remedial Account to farm labor contractors, for payment of  
10 farmworkers, when a contractor is unable to pay farmworkers due  
11 to the failure of a grower or packer to pay the contractor. Any  
12 disbursed funds subsequently recovered by the Labor  
13 Commissioner pursuant to Section 1693, or otherwise, shall be  
14 returned to the Farmworker Remedial Account.

15 (5) The person has taken a written examination that demonstrates  
16 an essential degree of knowledge of the current laws and  
17 administrative regulations concerning farm labor contractors as  
18 the Labor Commissioner deems necessary for the safety and  
19 protection of farmers, farmworkers, and the public, including the  
20 identification and prevention of sexual harassment in the  
21 workplace. To successfully complete the examinations, the person  
22 must correctly answer at least 85 percent of the questions posed.  
23 The examination period shall not exceed four hours. The  
24 examination may only be taken a maximum of three times in a  
25 calendar year. The examinations shall include a demonstration of  
26 knowledge of the current laws and regulations regarding wages,  
27 hours, and working conditions, penalties, employee housing and  
28 transportation, collective bargaining, field sanitation, and safe  
29 work practices related to pesticide use, including all of the  
30 following subjects:

31 (A) Field reentry regulations.

32 (B) Worker pesticide safety training.

33 (C) Employer responsibility for safe working conditions.

34 (D) Symptoms and appropriate treatment of pesticide poisoning.

35 (6) The person has registered as a farm labor contractor pursuant  
36 to the federal Migrant and Seasonal Agricultural Worker Protection  
37 Act (29 U.S.C. Sec. 1801 et seq.), when registration is required  
38 pursuant to federal law, and that information is provided by the  
39 person to the Labor Commissioner.

1 (7) Each of the person's employees has registered as a farm  
2 labor contractor employee pursuant to the federal Migrant and  
3 Seasonal Agricultural Worker Protection Act (29 U.S.C. Sec. 1801  
4 et seq.) if that registration is required pursuant to federal law, and  
5 that information is provided by the person to the Labor  
6 Commissioner.

7 (8) (A) The person has executed a written statement, that has  
8 been provided to the Labor Commissioner, attesting that the  
9 person's supervisory employees, including any supervisor,  
10 crewleader, mayordomo, foreperson, or other employee whose  
11 duties include the supervision, direction, or control of agricultural  
12 employees, have been trained at least once for at least two hours  
13 each calendar year in the prevention of sexual harassment in the  
14 workplace, and that all new nonsupervisory employees, including  
15 agricultural employees, have been trained at the time of hire, and  
16 that all nonsupervisory employees, including agricultural  
17 employees, have been trained at least once every two years in  
18 identifying, preventing, and reporting sexual harassment in the  
19 workplace.

20 (B) Sexual harassment prevention training shall consist of  
21 training administered by a licensee or appropriate designee of the  
22 licensee.

23 (C) Sexual harassment prevention training shall include, at a  
24 minimum, components of the following as consistent with Section  
25 12950 of the Government Code:

- 26 (i) The illegality of sexual harassment.
- 27 (ii) The definition of sexual harassment under applicable state  
28 and federal law.
- 29 (iii) A description of sexual harassment, utilizing examples.
- 30 (iv) The internal complaint process of the employer available  
31 to the employee.
- 32 (v) The legal remedies and complaint process available through  
33 the Department of Fair Employment and Housing.
- 34 (vi) Directions for how to contact the Department of Fair  
35 Employment and Housing.
- 36 (vii) The protection against retaliation provided under current  
37 law.

38 (D) The trainer may use the text of the Department of Fair  
39 Employment and Housing's pamphlet DFEH-185, "Sexual  
40 Harassment" as a guide to training, or may use other written

1 material or other training resources covering the information  
2 required in subparagraph (C).

3 (E) At the conclusion of the training, the trainer shall provide  
4 the employee with a copy of the Department of Fair Employment  
5 and Housing's pamphlet DFEH-185, and a record of the training  
6 on a form provided by the Labor Commissioner that includes the  
7 name of the trainer and the date of the training.

8 (F) The licensee shall keep a record with the names of all  
9 employees who have received sexual harassment training for a  
10 period of three years.

11 (b) The Labor Commissioner shall consult with the Director of  
12 Pesticide Regulation, the Department of the California Highway  
13 Patrol, the Department of Housing and Community Development,  
14 the Employment Development Department, the Department of  
15 Fair Employment and Housing, the Department of Food and  
16 Agriculture, the Department of Motor Vehicles, and the Division  
17 of Occupational Safety and Health in preparing the examination  
18 required by paragraph (5) of subdivision (a) and the appropriate  
19 educational materials pertaining to the matters included in the  
20 examination, and may charge a fee of not more than two hundred  
21 dollars (\$200) to cover the cost of administration of the  
22 examination.

23 (c) The person shall also enroll and participate in at least nine  
24 hours of relevant educational classes each year. The classes shall  
25 include at least one hour of sexual harassment prevention training.  
26 The classes shall be chosen from a list of approved classes prepared  
27 by the Labor Commissioner, in consultation with the persons and  
28 entities listed in subdivision (b) and county agricultural  
29 commissioners.

30 (d) The Labor Commissioner may renew a license without  
31 requiring the applicant for renewal to take the examination  
32 specified in paragraph (5) of subdivision (a) if the Labor  
33 Commissioner finds that the applicant meets all of the following  
34 criteria:

35 (1) Has satisfactorily completed the examination during the  
36 immediately preceding two years.

37 (2) Has not during the preceding year been found to be in  
38 violation of any applicable laws or regulations including, but not  
39 limited to, Division 7 (commencing with Section 12501) of the  
40 Food and Agricultural Code, subdivisions (j) and (k) of Section

12940 of, and Section 12950 or 12950.1 of, the Government Code, Part 1 (commencing with Section 17000) of Division 13 of the Health and Safety Code, Division 2 (commencing with Section 200), Division 4 (commencing with Section 3200), and Division 5 (commencing with Section 6300) of this code, and Chapter 1 (commencing with Section 12500) of Division 6 of the Vehicle Code.

(3) Has, for each year since the license was obtained, enrolled and participated in at least eight hours of relevant, educational classes, chosen from a list of approved classes prepared by the Labor Commissioner.

(4) Has complied with all other requirements of this section.

*SEC. 181. Section 1698 of the Labor Code is amended to read:*

1698. All fines collected for violations of this chapter shall be paid into the Farmworker Remedial Account and shall be available, upon appropriation, for purposes of this chapter. Of the moneys collected for licenses issued pursuant to this chapter, one hundred fifty dollars (\$150) of each annual license fee shall be deposited in the Farmworker Remedial Account pursuant to paragraph (4) of subdivision (a) of Section 1684, three hundred fifty dollars (\$350) of each annual license fee shall be expended by the Labor Commissioner to fund the Farm Labor Contractor Enforcement Unit and the Farm Labor Contractor License Verification Unit, both within the department, and the remaining money shall be paid into the ~~State Treasury and credited to the General Labor Enforcement and Compliance Fund.~~

*SEC. 182. Section 1700.18 of the Labor Code is amended to read:*

1700.18. (a) All moneys collected for *filing fees and* licenses ~~and all fines collected for violations of the provisions of~~ under this chapter shall be paid into the State Treasury and credited to the ~~General Labor Enforcement and Compliance Fund.~~

(b) *All fines collected for violations of this chapter shall be paid into the State Treasury and credited to the General Fund.*

*SEC. 183. Section 1706 of the Labor Code is amended to read:*

1706. (a) (1) No person shall represent or provide specified services to any artist who is a minor, under 18 years of age, without first submitting an application to the Labor Commissioner for a Child Performer Services Permit and receiving that permit.

1 (2) The Labor Commissioner shall set forth a filing fee, to be  
2 paid by the applicant to the commissioner at the time the  
3 application is filed, in an amount sufficient to reimburse the Labor  
4 Commissioner for the costs of the permit program. This amount  
5 shall be in addition to any charge imposed by the Labor  
6 Commissioner pursuant to paragraph (3) of subdivision (c).

7 (3) (A) The Labor Commissioner shall issue a Child Performer  
8 Services Permit to the applicant after he or she has received the  
9 application and filing fee and determined from information  
10 provided by the Department of Justice that the person is not  
11 required to register pursuant to Sections 290 to 290.006, inclusive,  
12 of the Penal Code.

13 (B) After receiving his or her first Child Performer Services  
14 Permit, a person shall on a biennial basis renew his or her  
15 application by resubmitting his or her name and a new filing fee  
16 to the Labor Commissioner in the amount set forth by the Labor  
17 Commissioner pursuant to paragraph (2). The Labor Commissioner  
18 shall issue a renewed permit to the person after receiving his or  
19 her application and filing fee and determining from the subsequent  
20 arrest notification provided by the Department of Justice pursuant  
21 to subparagraph (D) of paragraph (2) of subdivision (c) that the  
22 person is not required to register pursuant to Sections 290 to  
23 290.006, inclusive, of the Penal Code. A person shall not be  
24 required to resubmit his or her fingerprints in order to renew his  
25 or her permit.

26 (b) Except for subdivision (f) and Sections 1706.1 to 1706.5,  
27 inclusive, when applied to a violation of subdivision (f), this  
28 chapter does not apply to the following:

29 (1) A person licensed as a talent agent as specified in Chapter  
30 4 (commencing with Section 1700), or operating under the license  
31 of a talent agent.

32 (2) A studio teacher certified by the Labor Commissioner as  
33 defined in Section 11755 of Title 8 of the California Code of  
34 Regulations.

35 (3) A person whose contact with minor children is restricted to  
36 locations where, either by law or regulation, the minor must be  
37 accompanied at all times by a parent or guardian, and the parent  
38 or guardian must be within sight or sound of the minor.

39 (4) A person who has only incidental and occasional contact  
40 with minor children, unless the person works directly with minor



1 children, has supervision or disciplinary power over minor children,  
2 or receives a fee.

3 (c) (1) Each person required to submit an application to the  
4 Labor Commissioner pursuant to paragraph (1) of subdivision (a)  
5 shall provide to the Department of Justice electronic fingerprint  
6 images and related information required by the department of all  
7 permit applicants, for the purposes of obtaining information as to  
8 the existence and content of a record of state or federal arrests and  
9 convictions, including arrests for which the Department of Justice  
10 establishes that the person is free on bail or on his or her  
11 recognizance pending trial or appeal.

12 (2) (A) When received, the Department of Justice shall forward  
13 the fingerprint images and related information described in  
14 paragraph (1) to the Federal Bureau of Investigation and request  
15 a federal summary for criminal history information.

16 (B) (i) The Department of Justice shall review the information  
17 returned from the Federal Bureau of Investigation and compile  
18 and disseminate a response to the Labor Commissioner.

19 (ii) The Department of Justice's response shall provide both  
20 state and federal criminal history information pursuant to paragraph  
21 (1) of subdivision (p) of Section 11105 of the Penal Code.

22 (C) The Labor Commissioner shall request from the Department  
23 of Justice subsequent arrest notification service, as provided  
24 pursuant to Section 11105.2 of the Penal Code, for each person  
25 who submitted fingerprint images and the related information  
26 pursuant to paragraph (1).

27 (3) (A) The Department of Justice shall charge the Labor  
28 Commissioner a fee sufficient to cover the cost of processing the  
29 request described in paragraph (2).

30 (B) In addition to the filing fee paid by the applicant pursuant  
31 to subdivision (a) to reimburse the Labor Commissioner for the  
32 costs of the permit program, the Labor Commissioner may charge  
33 the applicant a fee sufficient to cover the costs of the fee imposed  
34 by the Department of Justice pursuant to subparagraph (A). The  
35 amount of the fee imposed pursuant to this subparagraph shall be  
36 forwarded by the Labor Commissioner to the Department of Justice  
37 with the applicant's name, fingerprints, and other information  
38 described in paragraph (1). This fee shall be available to the  
39 Department of Justice for the purposes described in subparagraph  
40 (A), upon appropriation by the Legislature.

(4) Upon receipt of information from the Department of Justice provided pursuant to subparagraphs (C) and (D) of paragraph (2), the commissioner shall timely cause a copy of the information to be sent to the person who has submitted the application, and shall keep a copy of the information and application on file.

(d) The Labor Commissioner shall maintain a list of all persons holding a valid Child Performer Services Permit issued under this chapter and make this list publicly available on its Internet Web site.

(e) (1) Upon receipt of a valid Child Performer Services Permit, the recipient shall post the permit in a conspicuous place in his or her place of business.

(2) Any person who is a recipient of a valid Child Performer Services Permit shall include the permit number on advertising in print or electronic media, including, but not limited to, Internet Web sites, or in any other medium of advertising.

(f) No person, including a person described in subdivision (b), who is required to register pursuant to Sections 290 to 290.006, inclusive, of the Penal Code may represent or provide specified services to any artist who is a minor.

(g) For purposes of this section, the following terms have the following meanings:

(1) “Artist” means a person who is or seeks to become an actor, actress, model, extra, radio artist, musical artist, musical organization, director, musical director, writer, cinematographer, composer, lyricist, arranger, or other person rendering professional services in motion picture, theatrical, radio, television, Internet, print media, or other entertainment enterprises or technologies.

(2) Except as used in the context of a fee an applicant is required to pay with his or her application, “fee” means any money or other valuable consideration paid or promised to be paid by an artist, by an individual on behalf of an artist, or by a corporation formed on behalf of an artist for services rendered or to be rendered by any person conducting the business of representing artists.

(3) “Person” means any individual, company, society, firm, partnership, association, corporation, limited liability company, trust, or other organization.

(4) To “represent or provide specified services to” means to provide, offer to provide, or advertise or represent as providing, for a fee one or more of the following services:

1 (A) Photography for use as an artist, including, but not limited  
2 to, still photography, digital photography, and video and film  
3 services.

4 (B) Managing or directing the development or advancement of  
5 the artist's career as an artist.

6 (C) Career counseling, career consulting, vocational guidance,  
7 aptitude testing, evaluation, or planning, in each case relating to  
8 the preparation of the artist for employment as an artist.

9 (D) Public relations services or publicity, or both, including  
10 arranging personal appearances, developing and distributing press  
11 packets, managing fan mail, designing and maintaining Internet  
12 Web sites, and consulting on media relations.

13 (E) Instruction, evaluation, lessons, coaching, seminars,  
14 workshops, or similar training as an artist, including, but not limited  
15 to, acting, singing, dance, voice, or similar instruction services.

16 (F) A camp for artists, which includes, but is not limited to, a  
17 day camp or overnight camp in which any portion of the camp  
18 includes any services described in subparagraphs (A) to (E),  
19 inclusive.

20 ~~(h) (1) The Labor Commissioner shall deposit all filing fees~~  
21 ~~described in subdivision (a) into the Child Performer Services~~  
22 ~~Permit Fund, which is hereby created in the State Treasury. The~~  
23 ~~funds deposited in the Child Performer Services Permit Fund shall~~  
24 ~~be available to the Labor Commissioner, upon appropriation by~~  
25 ~~the Legislature, to pay for the costs of administration of the Child~~  
26 ~~Performer Services Permit program and to repay any loan from~~  
27 ~~the Labor Enforcement and Compliance Fund made pursuant to~~  
28 ~~paragraph (2).~~

29 ~~(2) Until June 30, 2013, the Labor Commissioner may, on a~~  
30 ~~one-time basis, borrow up to two hundred fifty thousand dollars~~  
31 ~~(\$250,000) from the Labor Enforcement and Compliance Fund,~~  
32 ~~as established by subdivision (c) of Section 62.5, for deposit in~~  
33 ~~the Child Performer Services Permit Fund to cover the one-time~~  
34 ~~startup costs related to the Child Performer Services Permit~~  
35 ~~program. The loan shall be repaid to the Labor Enforcement and~~  
36 ~~Compliance Fund, or any successor fund, as soon as sufficient~~  
37 ~~funds exist in the Child Performer Services Permit Fund to repay~~  
38 ~~the loan without compromising the operations of the permit~~  
39 ~~program.~~

1     (h) (1) *The Labor Commissioner shall deposit all filing fees*  
2     *described in subdivision (a) into the Labor Enforcement and*  
3     *Compliance Fund to pay for the costs of administering the Child*  
4     *Performer Services Permit program.*

5     (2) *On the effective date of the statute adding this subdivision,*  
6     *any moneys in the Child Performer Services Permit Fund and any*  
7     *assets, liabilities, revenues, expenditures, and encumbrances of*  
8     *that fund shall be transferred to the Labor Enforcement and*  
9     *Compliance Fund.*

10    SEC. 184. *Section 1720.9 of the Labor Code is amended to*  
11    *read:*

12    1720.9. (a) For the limited purposes of Article 2 (commencing  
13    with Section 1770), “public works” also means the hauling and  
14    delivery of ready-mixed concrete to carry out a public works  
15    contract, with respect to contracts involving any state agency,  
16    including the California State University and the University of  
17    California, or any political subdivision of the state.

18    (b) For purposes of this section, “ready-mixed concrete” means  
19    concrete that is manufactured in a factory or a batching plant,  
20    according to a set recipe, and then delivered in a liquefied state by  
21    mixer truck for immediate incorporation into a project.

22    (c) For purposes of this section, the “hauling and delivery of  
23    ready-mixed concrete to carry out a public works contract” means  
24    the job duties for a ready mixer driver that are used by the director  
25    in determining wage rates pursuant to Section 1773, and includes  
26    receiving the concrete at the factory or batching plant and the return  
27    trip to the factory or batching plant.

28    (d) For purposes of this section, the applicable prevailing wage  
29    rate shall be the current prevailing wage, as determined by the  
30    director, for the geographic area in which the factory or batching  
31    plant is located.

32    (e) The entity hauling or delivering ready-mixed concrete to  
33    carry out a public works contract shall enter into a written  
34    subcontract agreement with the party that engaged the entity to  
35    supply the ready-mixed concrete. The written agreement shall  
36    require compliance with the requirements of this chapter. The  
37    entity hauling or delivering ready-mixed concrete shall be  
38    considered a subcontractor solely for the purposes of this chapter.  
39    *Nothing in this section shall cause any entity to be treated as a*

1 *contractor or subcontractor for any purpose other than the*  
2 *application of this chapter.*

3 (f) The entity hauling or delivering ready-mixed concrete to  
4 carry out a public works contract shall submit a certified copy of  
5 the payroll records required by subdivision (a) of Section 1776 to  
6 the party that engaged the entity and to the general contractor  
7 within ~~three~~ *five* working days after the employee has been paid,  
8 accompanied by a written time record that shall be certified by  
9 each driver for the performance of job duties in subdivision (c).

10 (g) ~~This section applies~~ *shall not apply* to public works contracts  
11 ~~that are awarded on or after~~ *advertised for bid or awarded prior*  
12 *to July 1, 2016.*

13 *SEC. 185. Section 2059 of the Labor Code is amended to read:*

14 2059. (a) (1) The commissioner shall collect from employers  
15 a registration fee of ~~two hundred fifty dollars (\$250)~~ for each  
16 branch location. ~~The commissioner~~ *location, and, except as*  
17 *provided in paragraph (2), may periodically adjust the registration*  
18 *fee for inflation to ensure that the fee is fee, in an amount sufficient*  
19 *to fund all direct and indirect costs to administer and enforce the*  
20 *provisions of this part.*

21 (2) *The fee established pursuant to paragraph (1) shall not be*  
22 *increased unless the published fund balance is projected to fall*  
23 *below 25 percent of annual expenditures.*

24 (b) In addition to the fee ~~specified~~ in subdivision (a), each  
25 employer shall be assessed an annual fee of ~~fifty dollars (\$50)~~ in  
26 *an amount equivalent to 20 percent of the registration fee collected*  
27 *pursuant to subdivision (a) for each branch location which that*  
28 *shall be deposited in the Car Wash Worker Restitution Fund.*

29 *SEC. 186. Section 2065 of the Labor Code is amended to read:*

30 2065. (a) The Car Wash Worker Restitution Fund is established  
31 in the State Treasury.

32 (1) The following moneys shall be deposited into this fund:

33 (A) The annual fee required pursuant to subdivision (b) of  
34 Section 2059.

35 (B) Fifty percent of the fines collected pursuant to Section 2064.

36 (C) ~~Fifty dollars (\$50)~~ *Pursuant to subdivision (b) of Section*  
37 *2059, an amount equal to 20 percent of the initial registration fee*  
38 *required pursuant to subdivision (a) of Section 2059.*

39 (2) Upon appropriation by the Legislature, the moneys in the  
40 fund shall be disbursed by the commissioner only to persons

1 determined by the commissioner to have been damaged by the  
2 failure to pay wages and penalties and other related damages by  
3 any employer, to ensure the payment of wages and penalties and  
4 other related damages. Any disbursed funds subsequently recovered  
5 by the commissioner shall be returned to the fund.

6 (b) The Car Wash Worker Fund is established in the State  
7 Treasury.

8 (1) The following moneys shall be deposited into this fund:

9 (A) Fifty percent of the fines collected pursuant to Section 2064.

10 (B) The initial registration fee required pursuant to subdivision  
11 (a) of Section 2059, less the amount specified in subparagraph (C)  
12 of paragraph (1) of subdivision (a).

13 (2) Upon appropriation by the Legislature, the moneys in this  
14 fund shall be applied to *all direct and indirect* costs incurred by  
15 the commissioner in administering ~~the provisions of this part and~~  
16 *all direct and indirect costs of* enforcement and investigation of  
17 the car washing and polishing industry.

18 (c) The Department of Industrial Relations may establish by  
19 regulation those procedures necessary to carry out ~~the provisions~~  
20 ~~of~~ this section.

21 *SEC. 187. Section 2658 of the Labor Code is amended to read:*

22 2658. ~~No~~—(a) A person shall *not* employ an industrial  
23 homeworker in any industry not prohibited by Section 2651 unless  
24 the person employing an industrial homeworker has obtained a  
25 valid industrial homework license from the division.

26 ~~Application~~

27 (b) *Application* for a license to employ industrial homeworkers  
28 shall be made to the division in ~~such a~~ form as the division may  
29 by regulation prescribe. A license fee of one hundred dollars (\$100)  
30 for each industrial homeworker employed shall be paid to the  
31 division and ~~such the~~ license shall be valid for a period of one year  
32 from the date of issuance unless sooner revoked or suspended.

33 ~~Renewal~~

34 (c) *Renewal* fees shall be at the same rate and conditions as the  
35 original license.

36 ~~The~~

37 (d) *The* division may revoke or suspend the license upon a  
38 finding that the person has violated this part or has failed to comply  
39 with the regulations of the division or with ~~any provision of the~~  
40 license. The industrial homework license shall not be transferable.

1 ~~—All~~

2 (e) All license and permit fees received under this part shall be  
3 paid into the ~~State Treasury~~. *Labor Enforcement and Compliance*  
4 *Fund*.

5 SEC. 188. *It is the intent of the Legislature that the Labor and*  
6 *Workforce Development Agency shall continue to assign the duties*  
7 *prescribed in the Labor Code Private Attorneys General Act of*  
8 *2004 (Part 13 (commencing with Section 2698) of Division 2 of*  
9 *the Labor Code) to the departments, divisions, commissions,*  
10 *boards, or agencies where those duties are customarily performed.*

11 SEC. 189. *Section 2699 of the Labor Code is amended to read:*

12 2699. (a) Notwithstanding any other provision of law, any  
13 provision of this code that provides for a civil penalty to be  
14 assessed and collected by the Labor and Workforce Development  
15 Agency or any of its departments, divisions, commissions, boards,  
16 agencies, or employees, for a violation of this code, may, as an  
17 alternative, be recovered through a civil action brought by an  
18 aggrieved employee on behalf of himself or herself and other  
19 current or former employees pursuant to the procedures specified  
20 in Section 2699.3.

21 (b) For purposes of this part, “person” has the same meaning  
22 as defined in Section 18.

23 (c) For purposes of this part, “aggrieved employee” means any  
24 person who was employed by the alleged violator and against  
25 whom one or more of the alleged violations was committed.

26 (d) For purposes of this part, “cure” means that the employer  
27 abates each violation alleged by any aggrieved employee, the  
28 employer is in compliance with the underlying statutes as specified  
29 in the notice required by this part, and any aggrieved employee is  
30 made whole. A violation of paragraph (6) or (8) of subdivision (a)  
31 of Section 226 shall only be considered cured upon a showing that  
32 the employer has provided a fully compliant, itemized wage  
33 statement to each aggrieved employee for each pay period for the  
34 three-year period prior to the date of the written notice sent  
35 pursuant to paragraph (1) of subdivision (c) of Section 2699.3.

36 (e) (1) For purposes of this part, whenever the Labor and  
37 Workforce Development Agency, or any of its departments,  
38 divisions, commissions, boards, agencies, or employees, has  
39 discretion to assess a civil penalty, a court is authorized to exercise

1 the same discretion, subject to the same limitations and conditions,  
2 to assess a civil penalty.

3 (2) In any action by an aggrieved employee seeking recovery  
4 of a civil penalty available under subdivision (a) or (f), a court  
5 may award a lesser amount than the maximum civil penalty amount  
6 specified by this part if, based on the facts and circumstances of  
7 the particular case, to do otherwise would result in an award that  
8 is unjust, arbitrary and oppressive, or confiscatory.

9 (f) For all provisions of this code except those for which a civil  
10 penalty is specifically provided, there is established a civil penalty  
11 for a violation of these provisions, as follows:

12 (1) If, at the time of the alleged violation, the person does not  
13 employ one or more employees, the civil penalty is five hundred  
14 dollars (\$500).

15 (2) If, at the time of the alleged violation, the person employs  
16 one or more employees, the civil penalty is one hundred dollars  
17 (\$100) for each aggrieved employee per pay period for the initial  
18 violation and two hundred dollars (\$200) for each aggrieved  
19 employee per pay period for each subsequent violation.

20 (3) If the alleged violation is a failure to act by the Labor and  
21 Workplace Development Agency, or any of its departments,  
22 divisions, commissions, boards, agencies, or employees, there shall  
23 be no civil penalty.

24 (g) (1) Except as provided in paragraph (2), an aggrieved  
25 employee may recover the civil penalty described in subdivision  
26 (f) in a civil action pursuant to the procedures specified in Section  
27 2699.3 filed on behalf of himself or herself and other current or  
28 former employees against whom one or more of the alleged  
29 violations was committed. Any employee who prevails in any  
30 action shall be entitled to an award of reasonable attorney's fees  
31 and ~~costs~~ *costs, including any filing fee paid pursuant to*  
32 *subparagraph (B) of paragraph (1) of subdivision (a) or*  
33 *subparagraph (B) of paragraph (1) of subdivision (c) of Section*  
34 *2699.3.* Nothing in this part shall operate to limit an employee's  
35 right to pursue or recover other remedies available under state or  
36 federal law, either separately or concurrently with an action taken  
37 under this part.

38 (2) No action shall be brought under this part for any violation  
39 of a posting, notice, agency reporting, or filing requirement of this



code, except where the filing or reporting requirement involves mandatory payroll or workplace injury reporting.

(h) No action may be brought under this section by an aggrieved employee if the agency or any of its departments, divisions, commissions, boards, agencies, or employees, on the same facts and theories, cites a person within the timeframes set forth in Section 2699.3 for a violation of the same section or sections of the Labor Code under which the aggrieved employee is attempting to recover a civil penalty on behalf of himself or herself or others or initiates a proceeding pursuant to Section 98.3.

(i) Except as provided in subdivision (j), civil penalties recovered by aggrieved employees shall be distributed as follows: 75 percent to the Labor and Workforce Development Agency for enforcement of labor laws and laws, *including the administration of this part, and for* education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes; and 25 percent to the aggrieved employees.

(j) Civil penalties recovered under paragraph (1) of subdivision (f) shall be distributed to the Labor and Workforce Development Agency for enforcement of labor laws and laws, *including the administration of this part, and for* education of employers and employees about their rights and responsibilities under this code, to be continuously appropriated to supplement and not supplant the funding to the agency for those purposes.

(k) Nothing contained in this part is intended to alter or otherwise affect the exclusive remedy provided by the workers' compensation provisions of this code for liability against an employer for the compensation for any injury to or death of an employee arising out of and in the course of employment.

~~(l) The superior court shall review and approve any penalties sought as part of a proposed settlement agreement pursuant to this part.~~

(l) (1) *For cases filed on or after July 1, 2016, the aggrieved employee or representative shall, within 10 days following commencement of a civil action pursuant to this part, provide the Labor and Workforce Development Agency with a file-stamped copy of the complaint that includes the case number assigned by the court.*

1 (2) *The superior court shall review and approve any settlement*  
2 *of any civil action filed pursuant to this part. The proposed*  
3 *settlement shall be submitted to the agency at the same time that*  
4 *it is submitted to the court.*

5 (3) *A copy of the superior court's judgment in any civil action*  
6 *filed pursuant to this part and any other order in that action that*  
7 *either provides for or denies an award of civil penalties under this*  
8 *code shall be submitted to the agency within 10 days after entry*  
9 *of the judgment or order.*

10 (4) *Items required to be submitted to the Labor and Workforce*  
11 *Development Agency under this subdivision or to the Division of*  
12 *Occupational Safety and Health pursuant to paragraph (4) of*  
13 *subdivision (b) of Section 2699.3, shall be transmitted online*  
14 *through the same system established for the filing of notices and*  
15 *requests under subdivisions (a) and (c) of Section 2699.3.*

16 (m) This section shall not apply to the recovery of administrative  
17 and civil penalties in connection with the workers' compensation  
18 law as contained in Division 1 (commencing with Section 50) and  
19 Division 4 (commencing with Section 3200), including, but not  
20 limited to, Sections 129.5 and 132a.

21 (n) The agency or any of its departments, divisions,  
22 commissions, boards, or agencies may promulgate regulations to  
23 implement the provisions of this part.

24 *SEC. 190. Section 2699.3 of the Labor Code is amended to*  
25 *read:*

26 2699.3. (a) A civil action by an aggrieved employee pursuant  
27 to subdivision (a) or (f) of Section 2699 alleging a violation of any  
28 provision listed in Section 2699.5 shall commence only after the  
29 following requirements have been met:

30 (1) (A) The aggrieved employee or representative shall give  
31 written notice ~~by certified mail to~~ *online filing with* the Labor and  
32 Workforce Development Agency and *by certified mail to* the  
33 employer of the specific provisions of this code alleged to have  
34 been violated, including the facts and theories to support the alleged  
35 violation.

36 (B) *A notice filed with the Labor and Workforce Development*  
37 *Agency pursuant to subparagraph (A) and any employer response*  
38 *to that notice shall be accompanied by a filing fee of seventy-five*  
39 *dollars (\$75). The fees required by this subparagraph are subject*

1 *to waiver in accordance with the requirements of Sections 68632*  
2 *and 68633 of the Government Code.*

3 *(C) The fees paid pursuant to subparagraph (B) shall be paid*  
4 *into the Labor and Workforce Development Fund and used for the*  
5 *purposes specified in subdivision (j) of Section 2699.*

6 (2) (A) The agency shall notify the employer and the aggrieved  
7 employee or representative by certified mail that it does not intend  
8 to investigate the alleged violation within ~~30~~ 60 calendar days of  
9 the postmark date of the notice received pursuant to paragraph (1).  
10 Upon receipt of that notice or if no notice is provided within ~~33~~  
11 65 calendar days of the postmark date of the notice given pursuant  
12 to paragraph (1), the aggrieved employee may commence a civil  
13 action pursuant to Section 2699.

14 (B) If the agency intends to investigate the alleged violation, it  
15 shall notify the employer and the aggrieved employee or  
16 representative by certified mail of its decision within ~~33~~ 65 calendar  
17 days of the postmark date of the notice received pursuant to  
18 paragraph (1). Within 120 calendar days of that decision, the  
19 agency may investigate the alleged violation and issue any  
20 appropriate citation. *If the agency, during the course of its*  
21 *investigation, determines that additional time is necessary to*  
22 *complete the investigation, it may extend the time by not more than*  
23 *60 additional calendar days and shall issue a notice of the*  
24 *extension.* If the agency determines that no citation will be issued,  
25 it shall notify the employer and aggrieved employee of that decision  
26 within five business days thereof by certified mail. Upon receipt  
27 of that notice or if no citation is issued by the agency within the  
28 ~~158-day period~~ *time limits* prescribed by subparagraph (A) and  
29 this subparagraph or if the agency fails to provide timely or any  
30 notification, the aggrieved employee may commence a civil action  
31 pursuant to Section 2699.

32 (C) Notwithstanding any other provision of law, a plaintiff may  
33 as a matter of right amend an existing complaint to add a cause of  
34 action arising under this part at any time within 60 days of the time  
35 periods specified in this part.

36 (D) *The time limits prescribed by this paragraph shall only*  
37 *apply if the notice required by paragraph (1) is filed with the*  
38 *agency on or after July 1, 2016. For notices submitted prior to*  
39 *July 1, 2016, the time limits in effect on the postmark date of the*  
40 *notice shall apply.*

(b) A civil action by an aggrieved employee pursuant to subdivision (a) or (f) of Section 2699 alleging a violation of any provision of Division 5 (commencing with Section 6300) other than those listed in Section 2699.5 shall commence only after the following requirements have been met:

(1) The aggrieved employee or representative shall give notice ~~by certified mail to~~ *online filing with* the Division of Occupational Safety and Health and *by certified mail to* the employer, with a copy to the Labor and Workforce Development Agency, of the specific provisions of Division 5 (commencing with Section 6300) alleged to have been violated, including the facts and theories to support the alleged violation.

(2) (A) The division shall inspect or investigate the alleged violation pursuant to the procedures specified in Division 5 (commencing with Section 6300).

(i) If the division issues a citation, the employee may not commence an action pursuant to Section 2699. The division shall notify the aggrieved employee and employer in writing within 14 calendar days of certifying that the employer has corrected the violation.

(ii) If by the end of the period for inspection or investigation provided for in Section 6317, the division fails to issue a citation and the aggrieved employee disputes that decision, the employee may challenge that decision in the superior court. In such an action, the superior court shall follow precedents of the Occupational Safety and Health Appeals Board. If the court finds that the division should have issued a citation and orders the division to issue a citation, then the aggrieved employee may not commence a civil action pursuant to Section 2699.

(iii) A complaint in superior court alleging a violation of Division 5 (commencing with Section 6300) other than those listed in Section 2699.5 shall include therewith a copy of the notice of violation provided to the division and employer pursuant to paragraph (1).

(iv) The superior court shall not dismiss the action for nonmaterial differences in facts or theories between those contained in the notice of violation provided to the division and employer pursuant to paragraph (1) and the complaint filed with the court.

1 (B) If the division fails to inspect or investigate the alleged  
2 violation as provided by Section 6309, the provisions of subdivision  
3 (c) shall apply to the determination of the alleged violation.

4 (3) (A) Nothing in this subdivision shall be construed to alter  
5 the authority of the division to permit long-term abatement periods  
6 or to enter into memoranda of understanding or joint agreements  
7 with employers in the case of long-term abatement issues.

8 (B) Nothing in this subdivision shall be construed to authorize  
9 an employee to file a notice or to commence a civil action pursuant  
10 to Section 2699 during the period that an employer has voluntarily  
11 entered into consultation with the division to ameliorate a condition  
12 in that particular worksite.

13 (C) An employer who has been provided notice pursuant to this  
14 section may not then enter into consultation with the division in  
15 order to avoid an action under this section.

16 (4) The superior court shall review and approve any proposed  
17 settlement of alleged violations of the provisions of Division 5  
18 (commencing with Section 6300) to ensure that the settlement  
19 provisions are at least as effective as the protections or remedies  
20 provided by state and federal law or regulation for the alleged  
21 violation. The provisions of the settlement relating to health and  
22 safety laws shall be submitted to the division at the same time that  
23 they are submitted to the court. This requirement shall be construed  
24 to authorize and permit the division to comment on those settlement  
25 provisions, and the court shall grant the division's commentary  
26 the appropriate weight.

27 (c) A civil action by an aggrieved employee pursuant to  
28 subdivision (a) or (f) of Section 2699 alleging a violation of any  
29 provision other than those listed in Section 2699.5 or Division 5  
30 (commencing with Section 6300) shall commence only after the  
31 following requirements have been met:

32 (1) (A) The aggrieved employee or representative shall give  
33 written notice by ~~certified mail to~~ *online filing with* the Labor and  
34 Workforce Development Agency and *by certified mail to* the  
35 employer of the specific provisions of this code alleged to have  
36 been violated, including the facts and theories to support the alleged  
37 violation.

38 (B) *A notice filed with the Labor and Workforce Development*  
39 *Agency pursuant to subparagraph (A) and any employer response*  
40 *to that notice shall be accompanied by a filing fee of seventy-five*

1 *dollars (\$75). The fees required by this subparagraph are subject*  
2 *to waiver in accordance with the requirements of Sections 68632*  
3 *and 68633 of the Government Code.*

4 *(C) The fees paid pursuant to subparagraph (B) shall be paid*  
5 *into the Labor and Workforce Development Fund and used for the*  
6 *purposes specified in subdivision (j) of Section 2699.*

7 (2) (A) The employer may cure the alleged violation within 33  
8 calendar days of the postmark date of the ~~notice~~: *notice sent by*  
9 *the aggrieved employee or representative.* The employer shall give  
10 written notice ~~by certified mail~~ within that period of time *by*  
11 *certified mail* to the aggrieved employee or representative and *by*  
12 *online filing with the agency* if the alleged violation is cured,  
13 including a description of actions taken, and no civil action  
14 pursuant to Section 2699 may commence. If the alleged violation  
15 is not cured within the 33-day period, the employee may commence  
16 a civil action pursuant to Section 2699.

17 (B) (i) Subject to the limitation in clause (ii), no employer may  
18 avail himself or herself of the notice and cure provisions of this  
19 subdivision more than three times in a 12-month period for the  
20 same violation or violations contained in the notice, regardless of  
21 the location of the worksite.

22 (ii) No employer may avail himself or herself of the notice and  
23 cure provisions of this subdivision with respect to alleged violations  
24 of paragraph (6) or (8) of subdivision (a) of Section 226 more than  
25 once in a 12-month period for the same violation or violations  
26 contained in the notice, regardless of the location of the worksite.

27 (3) If the aggrieved employee disputes that the alleged violation  
28 has been cured, the aggrieved employee or representative shall  
29 provide written notice *by online filing with the agency and by*  
30 ~~certified-mail, mail to the employer,~~ including specified grounds  
31 to support that dispute, to the employer and the agency. Within 17  
32 calendar days of the ~~postmark date~~ *receipt* of that notice, the agency  
33 shall review the actions taken by the employer to cure the alleged  
34 violation, and provide written notice of its decision by certified  
35 mail to the aggrieved employee and the employer. The agency  
36 may grant the employer three additional business days to cure the  
37 alleged violation. If the agency determines that the alleged violation  
38 has not been cured or if the agency fails to provide timely or any  
39 notification, the employee may proceed with the civil action  
40 pursuant to Section 2699. If the agency determines that the alleged

1 violation has been cured, but the employee still disagrees, the  
2 employee may appeal that determination to the superior court.

3 (d) The periods specified in this section are not counted as part  
4 of the time limited for the commencement of the civil action to  
5 recover penalties under this part.

6 (e) *This section shall remain in effect only until July 1, 2021,*  
7 *and as of that date is repealed, unless a later enacted statute, that*  
8 *is enacted before July 1, 2021, deletes or extends that date.*

9 SEC. 191. Section 2699.3 is added to the Labor Code, to read:

10 2699.3. (a) A civil action by an aggrieved employee pursuant  
11 to subdivision (a) or (f) of Section 2699 alleging a violation of any  
12 provision listed in Section 2699.5 shall commence only after the  
13 following requirements have been met:

14 (1) (A) The aggrieved employee or representative shall give  
15 written notice by online filing with the Labor and Workforce  
16 Development Agency and by certified mail to the employer of the  
17 specific provisions of this code alleged to have been violated,  
18 including the facts and theories to support the alleged violation.

19 (B) A notice filed with the Labor and Workforce Development  
20 Agency pursuant to subparagraph (A) and any employer response  
21 to that notice shall be accompanied by a filing fee of seventy-five  
22 dollars (\$75). The fees required by this subparagraph are subject  
23 to waiver in accordance with the requirements of Sections 68632  
24 and 68633 of the Government Code.

25 (C) The fees paid pursuant to subparagraph (B) shall be paid  
26 into the Labor and Workforce Development Fund and used for the  
27 purposes specified in subdivision (j) of Section 2699.

28 (2) (A) The agency shall notify the employer and the aggrieved  
29 employee or representative by certified mail that it does not intend  
30 to investigate the alleged violation within 60 calendar days of the  
31 postmark date of the notice received pursuant to paragraph (1).  
32 Upon receipt of that notice or if no notice is provided within 65  
33 calendar days of the postmark date of the notice given pursuant  
34 to paragraph (1), the aggrieved employee may commence a civil  
35 action pursuant to Section 2699.

36 (B) If the agency intends to investigate the alleged violation, it  
37 shall notify the employer and the aggrieved employee or  
38 representative by certified mail of its decision within 65 calendar  
39 days of the postmark date of the notice received pursuant to  
40 paragraph (1). Within 120 calendar days of that decision, the

1 agency may investigate the alleged violation and issue any  
2 appropriate citation. If the agency determines that no citation will  
3 be issued, it shall notify the employer and aggrieved employee of  
4 that decision within five business days thereof by certified mail.  
5 Upon receipt of that notice or if no citation is issued by the agency  
6 within the time limits prescribed by subparagraph (A) and this  
7 subparagraph or if the agency fails to provide timely or any  
8 notification, the aggrieved employee may commence a civil action  
9 pursuant to Section 2699.

10 (C) Notwithstanding any other provision of law, a plaintiff may  
11 as a matter of right amend an existing complaint to add a cause  
12 of action arising under this part at any time within 60 days of the  
13 time periods specified in this part.

14 (b) A civil action by an aggrieved employee pursuant to  
15 subdivision (a) or (f) of Section 2699 alleging a violation of any  
16 provision of Division 5 (commencing with Section 6300) other  
17 than those listed in Section 2699.5 shall commence only after the  
18 following requirements have been met:

19 (1) The aggrieved employee or representative shall give notice  
20 by online filing with the Division of Occupational Safety and Health  
21 and by certified mail to the employer, with a copy to the Labor  
22 and Workforce Development Agency, of the specific provisions of  
23 Division 5 (commencing with Section 6300) alleged to have been  
24 violated, including the facts and theories to support the alleged  
25 violation.

26 (2) (A) The division shall inspect or investigate the alleged  
27 violation pursuant to the procedures specified in Division 5  
28 (commencing with Section 6300).

29 (i) If the division issues a citation, the employee may not  
30 commence an action pursuant to Section 2699. The division shall  
31 notify the aggrieved employee and employer in writing within 14  
32 calendar days of certifying that the employer has corrected the  
33 violation.

34 (ii) If by the end of the period for inspection or investigation  
35 provided for in Section 6317, the division fails to issue a citation  
36 and the aggrieved employee disputes that decision, the employee  
37 may challenge that decision in the superior court. In such an  
38 action, the superior court shall follow precedents of the  
39 Occupational Safety and Health Appeals Board. If the court finds  
40 that the division should have issued a citation and orders the



1 *division to issue a citation, then the aggrieved employee may not*  
2 *commence a civil action pursuant to Section 2699.*

3 *(iii) A complaint in superior court alleging a violation of*  
4 *Division 5 (commencing with Section 6300) other than those listed*  
5 *in Section 2699.5 shall include therewith a copy of the notice of*  
6 *violation provided to the division and employer pursuant to*  
7 *paragraph (1).*

8 *(iv) The superior court shall not dismiss the action for*  
9 *nonmaterial differences in facts or theories between those*  
10 *contained in the notice of violation provided to the division and*  
11 *employer pursuant to paragraph (1) and the complaint filed with*  
12 *the court.*

13 *(B) If the division fails to inspect or investigate the alleged*  
14 *violation as provided by Section 6309, the provisions of subdivision*  
15 *(c) shall apply to the determination of the alleged violation.*

16 *(3) (A) Nothing in this subdivision shall be construed to alter*  
17 *the authority of the division to permit long-term abatement periods*  
18 *or to enter into memoranda of understanding or joint agreements*  
19 *with employers in the case of long-term abatement issues.*

20 *(B) Nothing in this subdivision shall be construed to authorize*  
21 *an employee to file a notice or to commence a civil action pursuant*  
22 *to Section 2699 during the period that an employer has voluntarily*  
23 *entered into consultation with the division to ameliorate a condition*  
24 *in that particular worksite.*

25 *(C) An employer who has been provided notice pursuant to this*  
26 *section may not then enter into consultation with the division in*  
27 *order to avoid an action under this section.*

28 *(4) The superior court shall review and approve any proposed*  
29 *settlement of alleged violations of the provisions of Division 5*  
30 *(commencing with Section 6300) to ensure that the settlement*  
31 *provisions are at least as effective as the protections or remedies*  
32 *provided by state and federal law or regulation for the alleged*  
33 *violation. The provisions of the settlement relating to health and*  
34 *safety laws shall be submitted to the division at the same time that*  
35 *they are submitted to the court. This requirement shall be construed*  
36 *to authorize and permit the division to comment on those settlement*  
37 *provisions, and the court shall grant the division's commentary*  
38 *the appropriate weight.*

39 *(c) A civil action by an aggrieved employee pursuant to*  
40 *subdivision (a) or (f) of Section 2699 alleging a violation of any*

1 *provision other than those listed in Section 2699.5 or Division 5*  
2 *(commencing with Section 6300) shall commence only after the*  
3 *following requirements have been met:*

4 *(1) (A) The aggrieved employee or representative shall give*  
5 *written notice by online filing with the Labor and Workforce*  
6 *Development Agency and by certified mail to the employer of the*  
7 *specific provisions of this code alleged to have been violated,*  
8 *including the facts and theories to support the alleged violation.*

9 *(B) A notice filed with the Labor and Workforce Development*  
10 *Agency pursuant to subparagraph (A) and any employer response*  
11 *to that notice shall be accompanied by a filing fee of seventy-five*  
12 *dollars (\$75). The fees required by this subparagraph are subject*  
13 *to waiver in accordance with the requirements of Sections 68632*  
14 *and 68633 of the Government Code.*

15 *(C) The fees paid pursuant to subparagraph (B) shall be paid*  
16 *into the Labor and Workforce Development Fund and used for the*  
17 *purposes specified in subdivision (j) of Section 2699.*

18 *(2) (A) The employer may cure the alleged violation within 33*  
19 *calendar days of the postmark date of the notice sent by the*  
20 *aggrieved employee or representative. The employer shall give*  
21 *written notice within that period of time by certified mail to the*  
22 *aggrieved employee or representative and by online filing with*  
23 *the agency if the alleged violation is cured, including a description*  
24 *of actions taken, and no civil action pursuant to Section 2699 may*  
25 *commence. If the alleged violation is not cured within the 33-day*  
26 *period, the employee may commence a civil action pursuant to*  
27 *Section 2699.*

28 *(B) (i) Subject to the limitation in clause (ii), no employer may*  
29 *avail himself or herself of the notice and cure provisions of this*  
30 *subdivision more than three times in a 12-month period for the*  
31 *same violation or violations contained in the notice, regardless of*  
32 *the location of the worksite.*

33 *(ii) No employer may avail himself or herself of the notice and*  
34 *cure provisions of this subdivision with respect to alleged violations*  
35 *of paragraph (6) or (8) of subdivision (a) of Section 226 more than*  
36 *once in a 12-month period for the same violation or violations*  
37 *contained in the notice, regardless of the location of the worksite.*

38 *(3) If the aggrieved employee disputes that the alleged violation*  
39 *has been cured, the aggrieved employee or representative shall*  
40 *provide written notice by online filing with the agency and by*

certified mail to the employer, including specified grounds to support that dispute, to the employer and the agency. Within 17 calendar days of the receipt of that notice, the agency shall review the actions taken by the employer to cure the alleged violation, and provide written notice of its decision by certified mail to the aggrieved employee and the employer. The agency may grant the employer three additional business days to cure the alleged violation. If the agency determines that the alleged violation has not been cured or if the agency fails to provide timely or any notification, the employee may proceed with the civil action pursuant to Section 2699. If the agency determines that the alleged violation has been cured, but the employee still disagrees, the employee may appeal that determination to the superior court.

(d) The periods specified in this section are not counted as part of the time limited for the commencement of the civil action to recover penalties under this part.

(e) This section shall become operative on July 1, 2021.

SEC. 192. Section 4724 of the Labor Code is amended to read:

4724. The person or persons to whom the special death benefit is payable pursuant to Section 4722 shall file a claim therefor with the ~~State Board of Control~~, Department of General Services, which shall be processed pursuant to the provisions of Chapter 3 (commencing with Section 900) of Part 2 of Division 3.6 of Title 1 of the Government Code.

SEC. 193. Section 4725 of the Labor Code is amended to read:

4725. The State Compensation Insurance Fund shall be the disbursing agent for payments made pursuant to this article and shall receive a fee for its services to be negotiated by the ~~State Board of Control~~, Department of General Services. Unless otherwise provided herein, payments shall be made in accordance with the provisions of this division.

SEC. 194. Section 4726 of the Labor Code is amended to read:

4726. The ~~State Board of Control~~ Department of General Services and the Administrative Director of the Division of Workers' Compensation shall jointly adopt rules and regulations as may be necessary to carry out the provisions of this article.

SEC. 195. Section 6507 of the Labor Code is amended to read:

6507. The division shall set a fee fees to be charged for such permits and registrations in an amount amounts reasonably necessary to cover the costs involved in investigating and issuing

~~such permits. administering the permitting and registration programs in this chapter. All permit and registration fees collected under this chapter shall be deposited in the Occupational Safety and Health Fund.~~

SEC. 196. Section 7311.4 of the Labor Code is amended to read:

7311.4. (a) The division shall establish fees for initial and renewal applications for certification under this chapter as a certified qualified conveyance inspector, certified qualified conveyance company, or certified competent conveyance mechanic based upon the actual costs involved with the certification process, ~~costs to the division of administering the certification and licensing program in this chapter,~~ including the cost of developing and administering any tests as well as any costs related to continuing education, investigation, revocation, or other associated costs. *In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this chapter.*

(b) Fees collected pursuant to this chapter are nonrefundable.

SEC. 197. Section 7314 of the Labor Code is amended to read:

7314. (a) The division ~~may, shall,~~ subject to subdivision (f), fix and collect fees for the inspection of conveyances as it ~~deems determines to be necessary to cover the actual costs of having the inspection performed by a division safety engineer, including administrative costs, and the costs related to regulatory development as required by Section 7323. An additional fee may, in the discretion of the division, be charged~~ *the costs to the division of administering the inspection and permitting programs in this chapter, including fees for necessary subsequent inspections to determine if applicable safety orders have been complied with. The division may fix and collect fees for field consultations regarding conveyances as it deems necessary to cover the actual costs of the time spent in the consultation by a division safety engineer, including administrative and travel expenses. with and for field consultations. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this chapter, including the costs related to regulatory development as required by Section 7323.*

1 (b) Notwithstanding Section 6103 of the Government Code, the  
2 division may collect the fees authorized by subdivision (a) from  
3 the state or any county, city, district, or other political subdivision.

4 (c) Whenever a person owning or having the custody,  
5 management, or operation of a conveyance fails to pay the fees  
6 required under this chapter within 60 days after the date of  
7 notification, he or she shall pay, in addition to the fees required  
8 under this chapter, a penalty fee equal to 100 percent of the fee.  
9 Failure to pay fees within 60 days after the date of notification  
10 constitutes cause for the division to prohibit use of the conveyance.

11 (d) (1) Any fees required pursuant to this section shall, except  
12 as otherwise provided in paragraph (2), be set forth in regulations  
13 that shall be adopted as emergency regulations. These emergency  
14 regulations shall not be subject to the review and approval of the  
15 Office of Administrative Law pursuant to the Administrative  
16 Procedure Act (Chapter 3.5 (commencing with Section 11340) of  
17 Part 1 of Division 3 of Title 2 of the Government Code). These  
18 regulations shall become effective immediately upon filing with  
19 the Secretary of State.

20 (2) A suspension or reduction of fees pursuant to subdivision  
21 (f) is not required to be set forth in a regulation.

22 (e) For purposes of this section, the date of the invoice assessing  
23 a fee pursuant to this section shall be considered the date of  
24 notification.

25 (f) (1) For the 2015–16 fiscal year, the fees for the annual and  
26 biennial inspection of conveyances required by Section 7304 are  
27 suspended on a one-time basis.

28 (2) For the 2016–17 fiscal year, and for every fiscal year  
29 thereafter, the Director of Industrial Relations, upon concurrence  
30 of the Department of Finance, may suspend or reduce the fees for  
31 the annual and biennial inspections of conveyances required by  
32 Section 7304 on a one-time basis for that fiscal year in order to  
33 reduce the amount of moneys in the Elevator Safety Account.

34 *SEC. 198. Section 7315 of the Labor Code is amended to read:*

35 7315. Fees shall be paid before the issuance of any permit to  
36 operate a conveyance, but a temporary permit may be issued  
37 pending receipt of fee payment. ~~No The division shall not charge~~  
38 ~~an inspection fee may be charged by the division where if an~~  
39 ~~inspection has been made by an inspector of an insurance company~~  
40 ~~or municipality if that inspector who holds a certificate as a~~

1 conveyance inspector and an inspection report is filed with the  
2 division within 21 days after inspection is made. *The division may*  
3 *charge a fee for processing and issuing the permit to operate.*

4 SEC. 199. *The heading of Chapter 4 (commencing with Section*  
5 *7340) of Part 3 of Division 5 of the Labor Code is amended to*  
6 *read:*

7  
8 CHAPTER 4. ~~AERIAL~~ PASSENGER TRAMWAYS  
9

10 SEC. 200. *Section 7340 of the Labor Code is amended to read:*

11 7340. As used in this chapter:

12 (a) ~~“Aerial passenger”~~ “Passenger tramway” includes any  
13 method or device used primarily for the purpose of transporting  
14 persons by means of cables or ropes suspended between two or  
15 more points or structures.

16 (b) “Permit” means a permit issued by the division to operate  
17 ~~an aerial~~ a passenger tramway in any place.

18 SEC. 201. *Section 7341 of the Labor Code is amended to read:*

19 7341. ~~No aerial~~ A passenger tramway shall *not* be operated in  
20 any place in this state unless a permit for the operation ~~thereof of~~  
21 *the tramway* is issued by the division, and unless ~~such~~ *the* permit  
22 remains in effect and is kept posted conspicuously in the main  
23 operating terminal of the tramway.

24 SEC. 202. *Section 7342 of the Labor Code is amended to read:*

25 7342. The operation of ~~an aerial~~ a passenger tramway by any  
26 person owning or having the custody, management, or operation  
27 thereof without a permit is a misdemeanor, and each day of  
28 operation without a permit is a separate offense. No prosecution  
29 shall be maintained where the issuance or renewal of a permit has  
30 been requested and remains unacted upon.

31 SEC. 203. *Section 7343 of the Labor Code is amended to read:*

32 7343. Whenever ~~an aerial~~ a passenger tramway in any place  
33 is being operated without the permit herein required, and is in such  
34 condition that its use is dangerous to the life or safety of any  
35 person, the division, or any person affected thereby, may apply to  
36 the superior court of the county in which the ~~aerial~~ passenger  
37 tramway is located for an injunction restraining the operation of  
38 the ~~aerial~~ passenger tramway until the condition is corrected. Proof  
39 by certification of the division that a permit has not been issued,  
40 together with the affidavit of any safety engineer of the division

1 that the operation of the ~~airial~~ passenger tramway is dangerous to  
2 the life or safety of any person, is sufficient ground, in the  
3 discretion of the court, for the immediate granting of a temporary  
4 restraining order.

5 *SEC. 204. Section 7344 of the Labor Code is amended to read:*

6 7344. (a) The division shall cause all ~~airial~~ passenger  
7 tramways to be inspected at least two times each year.

8 (b) At least one of the inspections required by subdivision (a)  
9 shall take place between November 15 of each year and March 15  
10 of the succeeding year.

11 (c) If ~~an airial~~ a passenger tramway is found upon inspection  
12 to be in a safe condition for operation, a permit for operation for  
13 not longer than one year shall be issued by the division.

14 *SEC. 205. Section 7345 of the Labor Code is amended to read:*

15 7345. If inspection shows ~~an airial~~ a passenger tramway to be  
16 in an unsafe condition, the division may issue a preliminary order  
17 requiring repairs or alterations to be made to the ~~airial~~ passenger  
18 tramway ~~which~~ that are necessary to render it safe, and may order  
19 the operation or use thereof discontinued until the repairs or  
20 alterations are made or the unsafe conditions are removed.

21 *SEC. 206. Section 7346 of the Labor Code is amended to read:*

22 7346. Unless the preliminary order is complied with, a hearing  
23 before the division shall be allowed, upon request, at which the  
24 owner, operator, or other person in charge of the ~~airial~~ passenger  
25 tramway may appear and show cause why he should not comply  
26 with the order.

27 *SEC. 207. Section 7347 of the Labor Code is amended to read:*

28 7347. If it thereafter appears to the division that the ~~airial~~  
29 passenger tramway is unsafe and that the requirements contained  
30 in the preliminary order should be complied with, or that other  
31 things should be done to make ~~such airial~~ the passenger tramway  
32 safe, the division may order or confirm the withholding of the  
33 permit and may make ~~such~~ requirements as it ~~deems~~ determines  
34 to be proper for its repair or alteration or for the correction of ~~such~~  
35 the unsafe condition. ~~Such~~ The order may thereafter be reheard by  
36 the division or reviewed by the courts *only* in the manner specified  
37 for safety orders by Part 1 ~~of this division and not otherwise.~~  
38 (*commencing with Section 6300*).

39 *SEC. 208. Section 7348 of the Labor Code is amended to read:*

1     7348. If the operation of ~~an aerial~~ a passenger tramway during  
2 the making of repairs or alterations is not immediately dangerous  
3 to the safety of employees or others, the division may issue a  
4 temporary permit for the operation ~~thereof~~ of the tramway for a  
5 term not to exceed 30 days during the making of repairs or  
6 alterations.

7     *SEC. 209. Section 7350 of the Labor Code is amended to read:*

8     7350. (a) The division ~~may~~ shall fix and collect fees for the  
9 inspection of ~~aerial~~ passenger tramways as it deems necessary to  
10 cover the ~~actual cost of having the inspection performed by a~~  
11 ~~division safety engineer.~~ *costs of the division in administering this*  
12 *chapter. In fixing the amount of these fees, the division may include*  
13 *direct costs and a reasonable percentage attributable to the*  
14 *indirect costs of the division for administering this chapter.* The  
15 division ~~may~~ shall not charge an inspection fee for inspections  
16 performed by certified insurance inspectors, but may charge a fee  
17 ~~of not more than ten dollars (\$10) to cover the cost of~~ for  
18 processing the permit when issued by the division as a result of  
19 the inspection. Notwithstanding Section 6103 of the Government  
20 Code, the division may collect the fees authorized by this section  
21 from the state or any county, city, district, or other political  
22 subdivision.

23     (b) Whenever a person owning or having custody, management,  
24 or operation of ~~an aerial~~ a passenger tramway fails to pay any fee  
25 required under this chapter within 60 days after the date of  
26 notification by the division, the division shall assess a penalty fee  
27 equal to 100 percent of the initial fee. For purposes of this section,  
28 the date of the invoice fixing the fee shall be considered the date  
29 of notification.

30     *SEC. 210. Section 7351 of the Labor Code is amended to read:*

31     7351. Fees shall be paid before issuance of a permit to operate  
32 ~~an aerial~~ a passenger tramway, except that the division, at its own  
33 discretion, may issue a temporary operating permit not to exceed  
34 30 days, pending receipt of payment of fees.

35     *SEC. 211. Section 7352 of the Labor Code is amended to read:*

36     7352. (a) All fees collected by the division under this chapter  
37 shall be deposited into the ~~Elevator Safety Account~~ *Occupational*  
38 *Safety and Health Fund* to support the division's ~~aerial~~ passenger  
39 tramway inspection program.



(b) On the effective date of the statute adding this subdivision, any moneys in the Elevator Safety Account that, before that date, were deposited pursuant to this section, subdivision (a) of Section 7904, or subdivision (b) of Section 7929 shall be transferred to the Occupational Safety and Health Fund, together with any assets, liabilities, revenues, expenditures, and encumbrances of that fund that are attributable to the division's passenger tramway inspection program under this chapter, the portable amusement ride inspection program under Part 8 (commencing with Section 7900), and the Permanent Amusement Ride Safety Inspection Program (Part 8.1 (commencing with Section 7920)).

SEC. 212. Section 7353 of the Labor Code is amended to read:

7353. ~~No aerial~~—(a) A passenger tramway shall not be constructed or altered until the plans and design information have been properly certified to the division by an engineer qualified under the ~~Civil and Professional Engineers Act (Chapter 7, commencing with Section 6700, 6700)~~ of Division 3 of the Business and Professions Code).

~~Any~~

(b) Any person who owns, has custody of, manages, or operates ~~an aerial~~ a passenger tramway shall notify the division prior to any major repair of ~~such~~ the tramway.

SEC. 213. Section 7354 of the Labor Code is amended to read:

7354. The division shall not issue an operating permit to operate ~~an aerial~~ a passenger tramway until it receives certification in writing by an engineer qualified under the ~~Civil and Professional Engineers Act (Chapter 7, commencing with Section 6700, 7 (commencing with Section 6700))~~ of Division 3 of the Business and Professions Code) that the erection work on ~~such~~ the tramway has been completed in accordance with the design and erection plans for ~~such~~ the tramway.

SEC. 214. Section 7354.5 of the Labor Code is amended to read:

7354.5. (a) Notwithstanding any other provision of this chapter, in any case in which an insurer admitted to transact insurance in this state has inspected or caused to be inspected, by a qualified, licensed professional engineer ~~who is~~ registered in California pursuant to Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code, any ~~aerial~~ passenger tramway used as a ski lift, the division may, if it finds

1 ~~such~~ those inspections were made according to the provisions of  
2 subdivisions (a) and (b) of Section 7344, accept—~~such~~ the  
3 inspections in lieu of any other inspections for that year, except  
4 that the initial inspection of a new ski lift or of a major alteration  
5 to an existing ski lift shall be performed by a division safety  
6 engineer. ~~Such~~ A private inspector shall, before commencing his  
7 or her duties therein, secure from the division a certificate of  
8 competency to make ~~such~~ inspections. The division may determine  
9 the competency of any applicant for ~~such~~ a certificate, either by  
10 examination or by other satisfactory proof of qualification.

11 ~~The~~  
12 (b) The division may rescind at any time, upon good cause being  
13 shown therefor, and after hearing, if requested, any certificate of  
14 competency issued by it to a ski lift inspector. The inspection  
15 reports made to the division shall be in ~~such~~ a form and content  
16 as the division may find finds necessary for acceptance as a proper  
17 inspection made by ~~such~~ a private inspector.

18 *SEC. 215. Section 7356 of the Labor Code is amended to read:*

19 7356. The division shall, under the authority of Section 7355,  
20 promulgate and cause to be published safety orders directing each  
21 owner or operator of ~~an aerial~~ a passenger tramway to report to  
22 the division each known incident where the maintenance, operation,  
23 or use of ~~such~~ the tramway results in injury to any person, unless  
24 ~~such~~ the injury does not require medical service other than ordinary  
25 first aid treatment.

26 *SEC. 216. Section 7357 of the Labor Code is amended to read:*

27 7357. The division shall establish standards for the qualification  
28 of persons engaged in the operation of ~~aerial~~ passenger tramways,  
29 whether as employees or otherwise. The standards shall be  
30 consistent with the general objective of this chapter in providing  
31 for the safety of members of the public who use ~~aerial~~ passenger  
32 tramways and those engaged in their operation.

33 *SEC. 217. Section 7373 of the Labor Code is amended to read:*

34 7373. (a) ~~No~~ A tower crane shall *not* be operated at any  
35 worksite unless an employer obtains a permit from the division.  
36 The division shall conduct an investigation for purposes of issuing  
37 a permit in an expeditious manner. If the division does not issue  
38 a permit within 10 days after being requested to do so by a crane  
39 employer, the crane employer may operate the crane without a  
40 permit.

(b) The division shall set ~~a fee fees~~ to be charged for these permits in an amount sufficient to cover the ~~cost of funding the issuance of the permits and the safety engineers as provided by subdivision (a) of Section 7372.~~ *costs of administering this article. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this article.*

(c) The permit for a fixed tower crane shall be valid for the period of time that the tower crane is fixed to the site.

(d) The permit for a mobile tower crane shall be valid for one calendar year.

*SEC. 218. Section 7380 of the Labor Code is repealed.*

~~7380. The division may collect fees for the examination and licensing of crane certifiers as necessary to cover the actual costs, including administrative costs. All fees collected by the division under this chapter shall be paid into the General Fund.~~

*SEC. 219. Section 7380 is added to the Labor Code, to read:*

*7380. (a) The division shall set fees for the examination and licensing of crane certifiers as necessary to cover the costs of administering this article. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this article.*

*(b) All fees collected by the division under this chapter shall be deposited into the Occupational Safety and Health Fund.*

*SEC. 220. Section 7720 of the Labor Code is amended to read:*

~~7720. No fee shall be charged by the division.~~ *The division shall not charge an inspection fee where an inspection is made by a certified inspector; provided, inspector if the inspection has been made and reports have been submitted within the time limits specified in this part.*

*SEC. 221. Section 7721 of the Labor Code is amended to read:*

~~7721. (a) The division may shall fix and collect fees for the shop, field, and resale inspection of tanks and boilers and for consultations, surveys, audits, and other activities required or related to national standards concerning the design or construction of boilers or pressure vessels or for evaluating fabricator's plant facilities when these services are requested of the division by entities desiring these services. The division may shall fix and collect the fees for the inspection of pressure vessels as it deems~~

1 necessary to cover the actual costs of having the inspection  
2 performed by a division safety engineer, including administrative  
3 costs. An additional fee may, in the discretion of the division, be  
4 charged *engineer. The division may charge an additional fee* for  
5 necessary subsequent inspections to determine if applicable safety  
6 orders have been complied with.

7 (b) The division ~~may~~ *shall* charge a fee of not more than fifteen  
8 dollars (\$15) to cover the cost of *for* processing a permit.

9 (c) The division ~~may~~ *shall* fix and collect fees for field  
10 consultations regarding pressure vessels as it deems necessary to  
11 cover the actual costs of the time spent in the consultation by a  
12 division safety engineer, including administrative expenses. *vessels.*

13 (d) Whenever a person owning or having the custody,  
14 management, or operation of a pressure vessel fails to pay the fees  
15 required under this chapter within 60 days after notification, he or  
16 she shall pay, in addition to the fees required under this chapter,  
17 a penalty fee equal to 100 percent of the fee.

18 (e) Any fees required pursuant to this section shall be embodied  
19 in regulations which in amounts sufficient to cover the direct and  
20 indirect costs of the division for administering this part and shall  
21 be adopted as emergency regulations. These emergency regulations  
22 shall not be subject to the review and approval of the Office of  
23 Administrative Law pursuant to the provisions of the  
24 Administrative Procedure Act provided for in Chapter 3.5  
25 (commencing with Section 11340) of Part 1 of Division 3 of Title  
26 2 of the Government Code. These regulations shall become  
27 effective immediately upon filing with the Secretary of State.

28 SEC. 222. Section 7722 of the Labor Code is amended to read:

29 7722. (a) The ~~inspection~~ fees collected under this chapter part  
30 shall be paid into the Pressure Vessel Account, which is hereby  
31 created, to be used for the administration of the division pressure  
32 vessel safety program.

33 ~~The~~

34 (b) The division shall establish criteria upon which fee charges  
35 are based and prepare an annual report concerning revenues  
36 obtained and expenditures appropriated for the pressure vessel  
37 safety program. The division shall file the report with the  
38 Legislative Analyst, the Joint Legislative Audit Committee, and  
39 the Department of Finance.

40 SEC. 223. Section 7904 of the Labor Code is amended to read:

7904. (a) The division ~~may shall~~ fix and collect *all* fees ~~for the inspection of amusement rides that it deems necessary to cover the actual cost of having the inspection performed by a division safety engineer. The division may not charge for inspections performed by certified insurance inspectors or an inspector for a public entity, but may charge a fee of not more than ten dollars (\$10) to cover the cost of processing the permit when issued by the division as a result of the inspection.~~ *administering this part. Fees shall be charged to a person or entity receiving the division's services as provided by this part, as set out in regulations adopted pursuant to this part, including, but not limited to, approvals, determinations, permits, investigations, inspections and reinspections, certifications and recertifications, receipt and review of certificates, and reports and inspections. In fixing the amount of these fees, the division may include direct costs and a reasonable percentage attributable to the indirect costs of the division for administering this part. All fees collected by the division under this section shall be deposited into the Elevator Safety Account Occupational Safety and Health Fund to support the division's portable amusement ride inspection program.*

*(b) Any fees required pursuant to this section shall be set forth in regulations. For the 2016–17 fiscal year, those regulations shall be adopted as emergency regulations. These emergency regulations shall not be subject to the review and approval of the Office of Administrative Law pursuant to the rulemaking provisions of the Administrative Procedure Act provided for in Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. These emergency regulations shall become effective immediately upon filing with the Secretary of State.*

~~(b)~~

*(c) The division shall annually prepare and submit to the Division of Fairs and Expositions within the Department of Food and Agriculture, post on its Internet Web site a report summarizing all inspections of amusement rides and accidents occurring on amusement rides. This annual report shall also may contain all route location information submitted to the division by permit applicants.*

*SEC. 224. Section 7924 of the Labor Code is amended to read:*

1 7924. (a) On an annual basis, ~~each~~ *an* owner of a permanent  
2 amusement ride shall submit to the division a certificate of  
3 compliance on a form prescribed by the division, which shall  
4 include the following:

5 (1) The legal name and address of the owner and his or her  
6 representative, if any, and the primary place of business of the  
7 owner.

8 (2) A description of, the name of the manufacturer of, and, if  
9 given by the manufacturer, the serial number and model number  
10 of, the permanent amusement ride.

11 (3) A written declaration, executed by a qualified safety  
12 inspector, stating that, within the preceding 12-month period, the  
13 permanent amusement ride was inspected by the qualified safety  
14 inspector and that the permanent amusement ride is in material  
15 conformance with ~~the requirements of~~ this section and all  
16 applicable rules and regulations adopted by the division and  
17 standards board.

18 (b) The owner of multiple permanent amusement rides at a  
19 single site may submit a single certificate of compliance that  
20 provides the information required by subdivision (a) for each  
21 permanent amusement ride at that site.

22 (c) A certificate of compliance shall not be required until one  
23 year following the promulgation of any rules or regulations by the  
24 division governing the submission of the certificates.

25 (d) ~~No~~ A person shall *not* operate a permanent amusement ride  
26 that ~~has been~~ *was* inspected by a qualified safety inspector or  
27 division inspector and found to be ~~unsafe~~, *unsafe* unless all  
28 necessary repairs or modifications, or both, to the ride have been  
29 completed and certified as completed by a qualified safety  
30 inspector.

31 (e) For the purposes of satisfying this section, a qualified safety  
32 inspector shall meet the requirements in subdivision (c) of Section  
33 7921 and shall be certified by the division. ~~Each~~ A qualified safety  
34 inspector shall be recertified every two years following his or her  
35 initial certification. A qualified safety inspector may be an  
36 in-house, full-time safety inspector of the owner of the permanent  
37 amusement ride, an employee or agent of the insurance underwriter  
38 or insurance broker of the permanent amusement ride, an employee  
39 or agent of the manufacturer of the amusement ride, or an  
40 independent consultant or contractor.

(f) The owner of a permanent amusement ride shall maintain all of the records necessary to demonstrate that the requirements of this section have been met, including, but not limited to, employee training records, maintenance, repair, and inspection records for each permanent amusement ride, and records of accidents of which the operator has knowledge, ~~resulting that resulted~~ from the failure, malfunction, or operation of a permanent amusement ~~ride, requiring ride and that required~~ medical service other than ordinary first aid, and shall make ~~them~~ those records available to a division inspector upon request. The owner shall make those records available for inspection by the division during normal business hours at the owner's permanent place of business. ~~The owner, owner or representative of the owner, owner~~ may be present when the division inspects the records. ~~In conjunction with an inspection of records conducted pursuant to this subdivision, the~~ The division shall conduct an inspection of the operation of ~~the rides each ride~~ at the permanent amusement ~~park. park in~~ conjunction with an inspection of records conducted pursuant to this subdivision, except that the division is not required to conduct an operational inspection of a ride pursuant to this subdivision if a qualified safety inspector employed by the division has already inspected the operation of that ride in connection with the execution of the current annual certificate of compliance pursuant to subdivision (a).

(g) Upon receipt of a certificate of compliance, the division shall notify the owner of the permanent amusement ride or rides for which a certificate is submitted whether the certificate meets all the requirements of this section, and if not, what requirements must still be met.

(h) The division shall, in addition to the annual inspection performed by the division pursuant to subdivision (f), inspect the records for a permanent amusement ride or the ride, or both, under either of the following circumstances:

(1) The division finds that the certificate of compliance submitted pursuant to this section for the ride is fraudulent.

(2) The division determines, pursuant to regulations it has adopted, that a permanent amusement ride has a disproportionately high incidence of accidents required to be reported pursuant to Section 7925.

1 (i) The division shall conduct its inspections with the least  
2 disruption to the normal operation of the permanent park.

3 *SEC. 225. Section 7929 of the Labor Code is amended to read:*

4 7929. (a) The division ~~may~~ shall fix and collect all fees  
5 necessary to cover the cost ~~to the division~~ of administering this  
6 part. Fees shall be charged to a person or entity receiving the  
7 division's services as provided by this ~~part or by part, as set out~~  
8 ~~in~~ regulations adopted pursuant to this part, including, but not  
9 limited to, approvals, determinations, certifications and  
10 recertifications, receipt and review of certificates, and inspections.  
11 In fixing the amount of these fees, the division may include *direct*  
12 *costs and* a reasonable percentage attributable to the ~~general cost~~  
13 *indirect costs* of the division for administering this part.  
14 Notwithstanding Section 6103 of the Government Code, the  
15 division may collect these fees from the state or any county, city,  
16 district, or other political subdivision.

17 (b) ~~Effective June 30, 2007, all~~ All fees collected pursuant to  
18 this section shall be deposited into the ~~Elevator Safety Account~~  
19 *Occupational Safety and Health Fund* to support the Permanent  
20 Amusement Ride Safety Inspection Program. ~~All moneys in the~~  
21 ~~Permanent Amusement Ride Safety Inspection Fund as of that~~  
22 ~~date shall be transferred to the Elevator Safety Account to be used~~  
23 ~~for the same purpose, and any outstanding liabilities and~~  
24 ~~encumbrances of the fund shall become liabilities and~~  
25 ~~encumbrances payable from the Elevator Safety Account.~~

26 (c) *Whenever a person owning or having custody, management,*  
27 *or operation of a permanent amusement ride fails to pay any fee*  
28 *required under this part within 60 days after the date of notification*  
29 *by the division, the division shall assess a penalty equal to 100*  
30 *percent of the initial fee. For purposes of this section, the date of*  
31 *the invoice fixing the fee shall be considered the date of*  
32 *notification.*

33 *SEC. 226. Section 7991 of the Labor Code is amended to read:*

34 7991. (a) To obtain a license under Section 7990, and to renew  
35 ~~such a~~ that license, a person shall pass an oral and written  
36 examination given by the division. The division shall offer ~~such~~  
37 ~~the~~ examination in Spanish, or any other language, when requested  
38 by the applicant. The division shall administer ~~such an~~ examination  
39 orally when requested by an applicant who cannot write.  
40 ~~Application for such license shall cost fifteen dollars (\$15), which~~



1 ~~is nonreturnable.~~ Licenses shall be renewable every five years at  
2 ~~a fee of fifteen dollars (\$15).~~ years.

3 *(b) The division shall set a nonrefundable fee for processing*  
4 *applications for licenses required by Section 7990 and a fee for*  
5 *administering examinations under this section. In fixing the amount*  
6 *of these fees, the division may include direct costs and a reasonable*  
7 *percentage attributable to the indirect costs of the division for*  
8 *administering this chapter. Those fees shall be deposited into the*  
9 *Occupational Safety and Health Fund.*

10 *SEC. 227. Section 8001 of the Labor Code is amended to read:*

11 ~~8001. A~~ *The division shall charge a fee sufficient to cover the*  
12 *direct and indirect costs of the division to administer the*  
13 *examination and certification of gas testers and safety*  
14 *representatives for tunnels and mines, but not more than fifteen*  
15 *dollars (\$15) for original applications and fifteen dollars (\$15) for*  
16 ~~renewals, may be charged by the division.~~ *mines. Renewals shall*  
17 *be made every five years.*

18 *SEC. 228. Section 8002 of the Labor Code is amended to read:*

19 ~~8002. All fees from such applications shall be nonrefundable.~~  
20 ~~Such~~ *Those fees shall be paid deposited into the State Treasury by*  
21 ~~the division to the credit of the General~~ *Occupational Safety and*  
22 *Health Fund.*

23 *SEC. 229. Section 9021.6 of the Labor Code is amended to*  
24 *read:*

25 ~~9021.6. (a) The division may~~ *shall charge a fee to each*  
26 *asbestos consultant and site surveillance technician who applies*  
27 *for certification pursuant to subdivision (b) of Section 9021.5 and*  
28 *Article 11 (commencing with Section 7180) of Chapter 9 of*  
29 *Division 3 of the Business and Professions Code. The fee shall be*  
30 *sufficient to cover the division's cost direct and indirect costs to*  
31 *the division for administering the certification process, including*  
32 *preparation and administration of the examination. The fees*  
33 *collected shall be deposited in the Asbestos Consultant Certification*  
34 ~~Account.~~ *Establishment Occupational Safety and Health Fund.*  
35 *Establishment of any fee pursuant to this section shall be*  
36 *accomplished through the regulatory process required by*  
37 *subdivision (b) of Section 9021.5.*

38 *(b) On the effective date of the measure adding this subdivision,*  
39 *any moneys in the Asbestos Training and Consultant Certification*  
40 *Fund and any assets, liabilities, revenues, expenditures, and*

1 *encumbrances of that fund shall be transferred to the Occupational*  
2 *Safety and Health Fund.*

3 *SEC. 230. Section 9021.7 of the Labor Code is repealed.*

4 ~~9021.7. (a) There is hereby created the Asbestos Training and~~  
5 ~~Consultant Certification Fund, which shall consist of the Asbestos~~  
6 ~~Training Approval Account and the Asbestos Consultant~~  
7 ~~Certification Account. Moneys in the Asbestos Training Approval~~  
8 ~~Account shall consist of the fees collected pursuant to Section~~  
9 ~~9021.9. Moneys in the Asbestos Consultant Certification Account~~  
10 ~~shall consist of the fees collected pursuant to Section 9021.6.~~

11 ~~(b) Moneys in the Asbestos Training Approval Account shall~~  
12 ~~be available, upon appropriation by the Legislature, for expenditure~~  
13 ~~only for administering the training entity approval process provided~~  
14 ~~for in Section 9021.9. Moneys in the Asbestos Consultant~~  
15 ~~Certification Account shall be available, upon appropriation by~~  
16 ~~the Legislature, only for administering the certification process~~  
17 ~~provided for in Section 9021.6.~~

18 *SEC. 231. Section 9021.9 of the Labor Code is amended to*  
19 *read:*

20 9021.9. (a) The division shall establish an advisory committee  
21 to develop and recommend by September 30, 1994, for action by  
22 the standards board in accordance with Section 142.3, specific  
23 requirements for hands-on, task-specific training programs for all  
24 craft employees who may be exposed to asbestos-containing  
25 construction materials and all employees and supervisors involved  
26 in operations pertaining to asbestos cement pipe, as specified in  
27 subdivision (c) of Section 6501.8. The training programs shall  
28 include, but not be limited to, the following information:

29 (1) The physical characteristics and health hazards of asbestos.

30 (2) The types of asbestos cement pipe or asbestos-containing  
31 construction materials an employee may encounter in his or her  
32 specific work assignments.

33 (3) Safe practices and procedures for minimizing asbestos  
34 exposures from operations involving asbestos cement pipe or  
35 asbestos-containing construction materials.

36 (4) A review of general industry and construction safety orders  
37 relating to asbestos exposure.

38 (5) Hands-on instruction using pipe or other construction  
39 materials and the tools and equipment employees will use in the  
40 workplace.

(b) The division shall approve training entities to conduct task-specific training programs that include the requirements prescribed by the standards board pursuant to this section for employees and supervisors involved in operations pertaining to asbestos cement pipe or asbestos-containing construction materials.

(c) The division shall charge a fee to each asbestos training entity approved by the division pursuant to subdivision (b). The fee shall be sufficient to cover the division's ~~cost~~ *direct and indirect costs* for administering the approval process provided for in subdivision (b). The fees collected shall be deposited in the ~~Asbestos Training Approval Account~~. *Occupational Safety and Health Fund*. Establishment of any fee pursuant to this section shall be accomplished through the regulatory process required by subdivision (b) of Section 9021.5.

*SEC. 232. Section 422.92 of the Penal Code is amended to read:*

422.92. (a) Every state and local law enforcement agency in this state shall make available a brochure on hate crimes to victims of these crimes and the public.

(b) The Department of Fair Employment and Housing shall provide existing brochures, making revisions as needed, to local law enforcement agencies upon request for reproduction and distribution to victims of hate crimes and other interested parties. In carrying out these responsibilities, the department shall consult the Fair Employment and Housing Council, the Department of ~~Justice~~ *Justice*, and the *California* Victim Compensation ~~and Government Claims~~ Board.

*SEC. 233. Section 600.2 of the Penal Code is amended to read:*

600.2. (a) It is a crime for any person to permit any dog which is owned, harbored, or controlled by him or her to cause injury to or the death of any guide, signal, or service dog, as defined by Section 54.1 of the Civil Code, while the guide, signal, or service dog is in discharge of its duties.

(b) A violation of this section is an infraction punishable by a fine not to exceed two hundred fifty dollars (\$250) if the injury or death to any guide, signal, or service dog is caused by the person's failure to exercise ordinary care in the control of his or her dog.

(c) A violation of this section is a misdemeanor if the injury or death to any guide, signal, or service dog is caused by the person's reckless disregard in the exercise of control over his or her dog,

1 under circumstances that constitute such a departure from the  
2 conduct of a reasonable person as to be incompatible with a proper  
3 regard for the safety and life of any guide, signal, or service dog.  
4 A violation of this subdivision shall be punishable by imprisonment  
5 in a county jail not exceeding one year, or by a fine of not less  
6 than two thousand five hundred dollars (\$2,500) nor more than  
7 five thousand dollars (\$5,000), or both. The court shall consider  
8 the costs ordered pursuant to subdivision (d) when determining  
9 the amount of any fines.

10 (d) In any case in which a defendant is convicted of a violation  
11 of this section, the defendant shall be ordered to make restitution  
12 to the person with a disability who has custody or ownership of  
13 the guide, signal, or service dog for any veterinary bills and  
14 replacement costs of the dog if it is disabled or killed, or other  
15 reasonable costs deemed appropriate by the court. The costs  
16 ordered pursuant to this subdivision shall be paid prior to any fines.  
17 The person with the disability may apply for compensation by the  
18 California Victim Compensation and Government Claims Board  
19 pursuant to Chapter 5 (commencing with Section 13950) of Part  
20 4 of Division 3 of Title 2 of the Government Code, in an amount  
21 not to exceed ten thousand dollars (\$10,000).

22 *SEC. 234. Section 600.5 of the Penal Code is amended to read:*

23 600.5. (a) Any person who intentionally causes injury to or  
24 the death of any guide, signal, or service dog, as defined by Section  
25 54.1 of the Civil Code, while the dog is in discharge of its duties,  
26 is guilty of a misdemeanor, punishable by imprisonment in a county  
27 jail not exceeding one year, or by a fine not exceeding ten thousand  
28 dollars (\$10,000), or by both a fine and imprisonment. The court  
29 shall consider the costs ordered pursuant to subdivision (b) when  
30 determining the amount of any fines.

31 (b) In any case in which a defendant is convicted of a violation  
32 of this section, the defendant shall be ordered to make restitution  
33 to the person with a disability who has custody or ownership of  
34 the dog for any veterinary bills and replacement costs of the dog  
35 if it is disabled or killed, or other reasonable costs deemed  
36 appropriate by the court. The costs ordered pursuant to this  
37 subdivision shall be paid prior to any fines. The person with the  
38 disability may apply for compensation by the California Victim  
39 Compensation and Government Claims Board pursuant to Chapter  
40 5 (commencing with Section 13950) of Part 4 of Division 3 of

1 Title 2 of the Government Code, in an amount not to exceed ten  
2 thousand dollars (\$10,000).

3 *SEC. 235. Section 851.8 of the Penal Code is amended to read:*

4 851.8. (a) In any case where a person has been arrested and  
5 no accusatory pleading has been filed, the person arrested may  
6 petition the law enforcement agency having jurisdiction over the  
7 offense to destroy its records of the arrest. A copy of the petition  
8 shall be served upon the prosecuting attorney of the county or city  
9 having jurisdiction over the offense. The law enforcement agency  
10 having jurisdiction over the offense, upon a determination that the  
11 person arrested is factually innocent, shall, with the concurrence  
12 of the prosecuting attorney, seal its arrest records, and the petition  
13 for relief under this section for three years from the date of the  
14 arrest and thereafter destroy its arrest records and the petition. The  
15 law enforcement agency having jurisdiction over the offense shall  
16 notify the Department of Justice, and any law enforcement agency  
17 that arrested the petitioner or participated in the arrest of the  
18 petitioner for an offense for which the petitioner has been found  
19 factually innocent under this subdivision, of the sealing of the  
20 arrest records and the reason therefor. The Department of Justice  
21 and any law enforcement agency so notified shall forthwith seal  
22 their records of the arrest and the notice of sealing for three years  
23 from the date of the arrest, and thereafter destroy their records of  
24 the arrest and the notice of sealing. The law enforcement agency  
25 having jurisdiction over the offense and the Department of Justice  
26 shall request the destruction of any records of the arrest which they  
27 have given to any local, state, or federal agency or to any other  
28 person or entity. Each agency, person, or entity within the State  
29 of California receiving the request shall destroy its records of the  
30 arrest and the request, unless otherwise provided in this section.

31 (b) If, after receipt by both the law enforcement agency and the  
32 prosecuting attorney of a petition for relief under subdivision (a),  
33 the law enforcement agency and prosecuting attorney do not  
34 respond to the petition by accepting or denying the petition within  
35 60 days after the running of the relevant statute of limitations or  
36 within 60 days after receipt of the petition in cases where the statute  
37 of limitations has previously lapsed, then the petition shall be  
38 deemed to be denied. In any case where the petition of an arrestee  
39 to the law enforcement agency to have an arrest record destroyed  
40 is denied, petition may be made to the superior court that would

1 have had territorial jurisdiction over the matter. A copy of the  
2 petition shall be served on the law enforcement agency and the  
3 prosecuting attorney of the county or city having jurisdiction over  
4 the offense at least 10 days prior to the hearing thereon. The  
5 prosecuting attorney and the law enforcement agency through the  
6 district attorney may present evidence to the court at the hearing.  
7 Notwithstanding Section 1538.5 or 1539, any judicial determination  
8 of factual innocence made pursuant to this section may be heard  
9 and determined upon declarations, affidavits, police reports, or  
10 any other evidence submitted by the parties which is material,  
11 relevant, and reliable. A finding of factual innocence and an order  
12 for the sealing and destruction of records pursuant to this section  
13 shall not be made unless the court finds that no reasonable cause  
14 exists to believe that the arrestee committed the offense for which  
15 the arrest was made. In any court hearing to determine the factual  
16 innocence of a party, the initial burden of proof shall rest with the  
17 petitioner to show that no reasonable cause exists to believe that  
18 the arrestee committed the offense for which the arrest was made.  
19 If the court finds that this showing of no reasonable cause has been  
20 made by the petitioner, then the burden of proof shall shift to the  
21 respondent to show that a reasonable cause exists to believe that  
22 the petitioner committed the offense for which the arrest was made.  
23 If the court finds the arrestee to be factually innocent of the charges  
24 for which the arrest was made, then the court shall order the law  
25 enforcement agency having jurisdiction over the offense, the  
26 Department of Justice, and any law enforcement agency which  
27 arrested the petitioner or participated in the arrest of the petitioner  
28 for an offense for which the petitioner has been found factually  
29 innocent under this section to seal their records of the arrest and  
30 the court order to seal and destroy the records, for three years from  
31 the date of the arrest and thereafter to destroy their records of the  
32 arrest and the court order to seal and destroy those records. The  
33 court shall also order the law enforcement agency having  
34 jurisdiction over the offense and the Department of Justice to  
35 request the destruction of any records of the arrest which they have  
36 given to any local, state, or federal agency, person or entity. Each  
37 state or local agency, person or entity within the State of California  
38 receiving such a request shall destroy its records of the arrest and  
39 the request to destroy the records, unless otherwise provided in

1 this section. The court shall give to the petitioner a copy of any  
2 court order concerning the destruction of the arrest records.

3 (c) In any case where a person has been arrested, and an  
4 accusatory pleading has been filed, but where no conviction has  
5 occurred, the defendant may, at any time after dismissal of the  
6 action, petition the court that dismissed the action for a finding  
7 that the defendant is factually innocent of the charges for which  
8 the arrest was made. A copy of the petition shall be served on the  
9 prosecuting attorney of the county or city in which the accusatory  
10 pleading was filed at least 10 days prior to the hearing on the  
11 petitioner's factual innocence. The prosecuting attorney may  
12 present evidence to the court at the hearing. The hearing shall be  
13 conducted as provided in subdivision (b). If the court finds the  
14 petitioner to be factually innocent of the charges for which the  
15 arrest was made, then the court shall grant the relief as provided  
16 in subdivision (b).

17 (d) In any case where a person has been arrested and an  
18 accusatory pleading has been filed, but where no conviction has  
19 occurred, the court may, with the concurrence of the prosecuting  
20 attorney, grant the relief provided in subdivision (b) at the time of  
21 the dismissal of the accusatory pleading.

22 (e) Whenever any person is acquitted of a charge and it appears  
23 to the judge presiding at the trial at which the acquittal occurred  
24 that the defendant was factually innocent of the charge, the judge  
25 may grant the relief provided in subdivision (b).

26 (f) In any case where a person who has been arrested is granted  
27 relief pursuant to subdivision (a) or (b), the law enforcement agency  
28 having jurisdiction over the offense or court shall issue a written  
29 declaration to the arrestee stating that it is the determination of the  
30 law enforcement agency having jurisdiction over the offense or  
31 court that the arrestee is factually innocent of the charges for which  
32 the person was arrested and that the arrestee is thereby exonerated.  
33 Thereafter, the arrest shall be deemed not to have occurred and  
34 the person may answer accordingly any question relating to its  
35 occurrence.

36 (g) The Department of Justice shall furnish forms to be utilized  
37 by persons applying for the destruction of their arrest records and  
38 for the written declaration that one person was found factually  
39 innocent under subdivisions (a) and (b).

(h) Documentation of arrest records destroyed pursuant to subdivision (a), (b), (c), (d), or (e) that are contained in investigative police reports shall bear the notation “Exonerated” whenever reference is made to the arrestee. The arrestee shall be notified in writing by the law enforcement agency having jurisdiction over the offense of the sealing and destruction of the arrest records pursuant to this section.

(i) (1) Any finding that an arrestee is factually innocent pursuant to subdivision (a), (b), (c), (d), or (e) shall not be admissible as evidence in any action.

(2) Notwithstanding paragraph (1), a finding that an arrestee is factually innocent pursuant to subdivisions (a) to (e), inclusive, shall be admissible as evidence at a hearing before the California Victim Compensation and Government Claims Board.

(j) Destruction of records of arrest pursuant to subdivision (a), (b), (c), (d), or (e) shall be accomplished by permanent obliteration of all entries or notations upon the records pertaining to the arrest, and the record shall be prepared again so that it appears that the arrest never occurred. However, where (1) the only entries on the record pertain to the arrest and (2) the record can be destroyed without necessarily affecting the destruction of other records, then the document constituting the record shall be physically destroyed.

(k) No records shall be destroyed pursuant to subdivision (a), (b), (c), (d), or (e) if the arrestee or a codefendant has filed a civil action against the peace officers or law enforcement jurisdiction which made the arrest or instituted the prosecution and if the agency which is the custodian of the records has received a certified copy of the complaint in the civil action, until the civil action has been resolved. Any records sealed pursuant to this section by the court in the civil actions, upon a showing of good cause, may be opened and submitted into evidence. The records shall be confidential and shall be available for inspection only by the court, jury, parties, counsel for the parties, and any other person authorized by the court. Immediately following the final resolution of the civil action, records subject to subdivision (a), (b), (c), (d), or (e) shall be sealed and destroyed pursuant to subdivision (a), (b), (c), (d), or (e).

(l) For arrests occurring on or after January 1, 1981, and for accusatory pleadings filed on or after January 1, 1981, petitions for relief under this section may be filed up to two years from the



1 date of the arrest or filing of the accusatory pleading, whichever  
2 is later. Until January 1, 1983, petitioners can file for relief under  
3 this section for arrests which occurred or accusatory pleadings  
4 which were filed up to five years prior to the effective date of the  
5 statute. Any time restrictions on filing for relief under this section  
6 may be waived upon a showing of good cause by the petitioner  
7 and in the absence of prejudice.

8 (m) Any relief which is available to a petitioner under this  
9 section for an arrest shall also be available for an arrest which has  
10 been deemed to be or described as a detention under Section 849.5  
11 or 851.6.

12 (n) This section shall not apply to any offense which is classified  
13 as an infraction.

14 (o) (1) This section shall be repealed on the effective date of a  
15 final judgment based on a claim under the California or United  
16 States Constitution holding that evidence that is relevant, reliable,  
17 and material may not be considered for purposes of a judicial  
18 determination of factual innocence under this section. For purposes  
19 of this subdivision, a judgment by the appellate division of a  
20 superior court is a final judgment if it is published and if it is not  
21 reviewed on appeal by a court of appeal. A judgment of a court of  
22 appeal is a final judgment if it is published and if it is not reviewed  
23 by the California Supreme Court.

24 (2) Any decision referred to in this subdivision shall be stayed  
25 pending appeal.

26 (3) If not otherwise appealed by a party to the action, any  
27 decision referred to in this subdivision which is a judgment by the  
28 appellate division of the superior court shall be appealed by the  
29 Attorney General.

30 (p) A judgment of the court under subdivision (b), (c), (d), or  
31 (e) is subject to the following appeal path:

32 (1) In a felony case, appeal is to the court of appeal.

33 (2) In a misdemeanor case, or in a case in which no accusatory  
34 pleading was filed, appeal is to the appellate division of the superior  
35 court.

36 *SEC. 236. Section 851.865 of the Penal Code is amended to*  
37 *read:*

38 851.865. (a) If a person has secured a declaration of factual  
39 innocence from the court pursuant to Section 851.8 or 851.86, the  
40 finding shall be sufficient grounds for payment of compensation

1 for a claim made pursuant to Section 4900. Upon application by  
2 the person, the California Victim Compensation and Government  
3 Claims Board shall, without a hearing, recommend to the  
4 Legislature that an appropriation be made and the claim paid  
5 pursuant to Section 4904.

6 (b) If the declaration of factual innocence is granted pursuant  
7 to a stipulation of the prosecutor, the duty of the board to, without  
8 a hearing, recommend to the Legislature payment of the claim,  
9 shall apply.

10 *SEC. 237. Section 987.9 of the Penal Code is amended to read:*

11 987.9. (a) In the trial of a capital case or a case under  
12 subdivision (a) of Section 190.05, the indigent defendant, through  
13 the defendant's counsel, may request the court for funds for the  
14 specific payment of investigators, experts, and others for the  
15 preparation or presentation of the defense. The application for  
16 funds shall be by affidavit and shall specify that the funds are  
17 reasonably necessary for the preparation or presentation of the  
18 defense. The fact that an application has been made shall be  
19 confidential and the contents of the application shall be  
20 confidential. Upon receipt of an application, a judge of the court,  
21 other than the trial judge presiding over the case in question, shall  
22 rule on the reasonableness of the request and shall disburse an  
23 appropriate amount of money to the defendant's attorney. The  
24 ruling on the reasonableness of the request shall be made at an in  
25 camera hearing. In making the ruling, the court shall be guided by  
26 the need to provide a complete and full defense for the defendant.

27 (b) (1) The Controller shall not reimburse any county for costs  
28 that exceed ~~California Victim Compensation and Government~~  
29 ~~Claims Board~~ *Department of General Services'* standards for travel  
30 and per diem expenses. The Controller may reimburse  
31 extraordinary costs in unusual cases if the county provides  
32 sufficient documentation of the need for those expenditures.

33 (2) At the termination of the proceedings, the attorney shall  
34 furnish to the court a complete accounting of all moneys received  
35 and disbursed pursuant to this section.

36 (c) The Controller shall adopt regulations pursuant to Chapter  
37 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
38 Title 2 of the Government Code, controlling reimbursements under  
39 this section. The regulations shall consider compensation for  
40 investigators, expert witnesses, and other expenses that may or

1 may not be reimbursable pursuant to this section. Notwithstanding  
2 the provisions of Chapter 3.5 (commencing with Section 11340)  
3 of Part 1 of Division 3 of Title 2 of the Government Code, the  
4 Controller shall follow any regulations adopted until final approval  
5 by the Office of Administrative Law.

6 (d) The confidentiality provided in this section shall not preclude  
7 any court from providing the Attorney General with access to  
8 documents protected by this section when the defendant raises an  
9 issue on appeal or collateral review where the recorded portion of  
10 the record, created pursuant to this section, relates to the issue  
11 raised. When the defendant raises that issue, the funding records,  
12 or relevant portions thereof, shall be provided to the Attorney  
13 General at the Attorney General's request. In this case, the  
14 documents shall remain under seal and their use shall be limited  
15 solely to the pending proceeding.

16 *SEC. 238. Section 1191.15 of the Penal Code is amended to*  
17 *read:*

18 1191.15. (a) The court may permit the victim of any crime,  
19 his or her parent or guardian if the victim is a minor, or the next  
20 of kin of the victim if the victim has died, to file with the court a  
21 written, audiotaped, or videotaped statement, or statement stored  
22 on a CD-ROM, DVD, or any other recording medium acceptable  
23 to the court, expressing his or her views concerning the crime, the  
24 person responsible, and the need for restitution, in lieu of or in  
25 addition to the person personally appearing at the time of judgment  
26 and sentence. The court shall consider the statement filed with the  
27 court prior to imposing judgment and sentence.

28 Whenever an audio or video statement or statement stored on a  
29 CD-ROM, DVD, or other medium is filed with the court, a written  
30 transcript of the statement shall also be provided by the person  
31 filing the statement, and shall be made available as a public record  
32 of the court after the judgment and sentence have been imposed.

33 (b) Whenever a written, audio, or video statement or statement  
34 stored on a CD-ROM, DVD, or other medium is filed with the  
35 court, it shall remain sealed until the time set for imposition of  
36 judgment and sentence except that the court, the probation officer,  
37 and counsel for the parties may view and listen to the statement  
38 not more than two court days prior to the date set for imposition  
39 of judgment and sentence.

1 (c) A person or a court shall not permit any person to duplicate,  
2 copy, or reproduce by audio or visual means a statement submitted  
3 to the court under the provisions of this section.

4 (d) Nothing in this section shall be construed to prohibit the  
5 prosecutor from representing to the court the views of the victim,  
6 his or her parent or guardian, the next of kin, or the California  
7 Victim Compensation and Government Claims Board.

8 (e) In the event the court permits an audio or video statement  
9 or statement stored on a CD-ROM, DVD, or other medium to be  
10 filed, the court shall not be responsible for providing any equipment  
11 or resources needed to assist the victim in preparing the statement.

12 *SEC. 239. Section 1191.2 of the Penal Code is amended to*  
13 *read:*

14 1191.2. In providing notice to the victim pursuant to Section  
15 1191.1, the probation officer shall also provide the victim with  
16 information concerning the victim's right to civil recovery against  
17 the defendant, the requirement that the court order restitution for  
18 the victim, the victim's right to receive a copy of the restitution  
19 order from the court and to enforce the restitution order as a civil  
20 judgment, the victim's responsibility to furnish the probation  
21 department, district attorney, and court with information relevant  
22 to his or her losses, and the victim's opportunity to be compensated  
23 from the Restitution Fund if eligible under Article 1 (commencing  
24 with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title  
25 2 of the Government Code. This information shall be in the form  
26 of written material prepared by the Judicial Council in consultation  
27 with the California Victim Compensation and Government Claims  
28 Board, shall include the relevant sections of the Penal Code, and  
29 shall be provided to each victim for whom the probation officer  
30 has a current mailing address.

31 *SEC. 240. Section 1202.4 of the Penal Code is amended to*  
32 *read:*

33 1202.4. (a) (1) It is the intent of the Legislature that a victim  
34 of crime who incurs an economic loss as a result of the commission  
35 of a crime shall receive restitution directly from a defendant  
36 convicted of that crime.

37 (2) Upon a person being convicted of a crime in the State of  
38 California, the court shall order the defendant to pay a fine in the  
39 form of a penalty assessment in accordance with Section 1464.

1 (3) The court, in addition to any other penalty provided or  
2 imposed under the law, shall order the defendant to pay both of  
3 the following:

4 (A) A restitution fine in accordance with subdivision (b).

5 (B) Restitution to the victim or victims, if any, in accordance  
6 with subdivision (f), which shall be enforceable as if the order  
7 were a civil judgment.

8 (b) In every case where a person is convicted of a crime, the  
9 court shall impose a separate and additional restitution fine, unless  
10 it finds compelling and extraordinary reasons for not doing so and  
11 states those reasons on the record.

12 (1) The restitution fine shall be set at the discretion of the court  
13 and commensurate with the seriousness of the offense. If the person  
14 is convicted of a felony, the fine shall not be less than two hundred  
15 forty dollars (\$240) starting on January 1, 2012, two hundred eighty  
16 dollars (\$280) starting on January 1, 2013, and three hundred  
17 dollars (\$300) starting on January 1, 2014, and not more than ten  
18 thousand dollars (\$10,000). If the person is convicted of a  
19 misdemeanor, the fine shall not be less than one hundred twenty  
20 dollars (\$120) starting on January 1, 2012, one hundred forty  
21 dollars (\$140) starting on January 1, 2013, and one hundred fifty  
22 dollars (\$150) starting on January 1, 2014, and not more than one  
23 thousand dollars (\$1,000).

24 (2) In setting a felony restitution fine, the court may determine  
25 the amount of the fine as the product of the minimum fine pursuant  
26 to paragraph (1) multiplied by the number of years of imprisonment  
27 the defendant is ordered to serve, multiplied by the number of  
28 felony counts of which the defendant is convicted.

29 (c) The court shall impose the restitution fine unless it finds  
30 compelling and extraordinary reasons for not doing so and states  
31 those reasons on the record. A defendant's inability to pay shall  
32 not be considered a compelling and extraordinary reason not to  
33 impose a restitution fine. Inability to pay may be considered only  
34 in increasing the amount of the restitution fine in excess of the  
35 minimum fine pursuant to paragraph (1) of subdivision (b). The  
36 court may specify that funds confiscated at the time of the  
37 defendant's arrest, except for funds confiscated pursuant to Section  
38 11469 of the Health and Safety Code, be applied to the restitution  
39 fine if the funds are not exempt for spousal or child support or  
40 subject to any other legal exemption.

(d) In setting the amount of the fine pursuant to subdivision (b) in excess of the minimum fine pursuant to paragraph (1) of subdivision (b), the court shall consider any relevant factors, including, but not limited to, the defendant's inability to pay, the seriousness and gravity of the offense and the circumstances of its commission, any economic gain derived by the defendant as a result of the crime, the extent to which any other person suffered losses as a result of the crime, and the number of victims involved in the crime. Those losses may include pecuniary losses to the victim or his or her dependents as well as intangible losses, such as psychological harm caused by the crime. Consideration of a defendant's inability to pay may include his or her future earning capacity. A defendant shall bear the burden of demonstrating his or her inability to pay. Express findings by the court as to the factors bearing on the amount of the fine shall not be required. A separate hearing for the fine shall not be required.

(e) The restitution fine shall not be subject to penalty assessments authorized in Section 1464 or Chapter 12 (commencing with Section 76000) of Title 8 of the Government Code, or the state surcharge authorized in Section 1465.7, and shall be deposited in the Restitution Fund in the State Treasury.

(f) Except as provided in subdivisions (q) and (r), in every case in which a victim has suffered economic loss as a result of the defendant's conduct, the court shall require that the defendant make restitution to the victim or victims in an amount established by court order, based on the amount of loss claimed by the victim or victims or any other showing to the court. If the amount of loss cannot be ascertained at the time of sentencing, the restitution order shall include a provision that the amount shall be determined at the direction of the court. The court shall order full restitution unless it finds compelling and extraordinary reasons for not doing so and states them on the record. The court may specify that funds confiscated at the time of the defendant's arrest, except for funds confiscated pursuant to Section 11469 of the Health and Safety Code, be applied to the restitution order if the funds are not exempt for spousal or child support or subject to any other legal exemption.

(1) The defendant has the right to a hearing before a judge to dispute the determination of the amount of restitution. The court may modify the amount, on its own motion or on the motion of the district attorney, the victim or victims, or the defendant. If a

1 motion is made for modification of a restitution order, the victim  
2 shall be notified of that motion at least 10 days prior to the  
3 proceeding held to decide the motion. A victim at a restitution  
4 hearing or modification hearing described in this paragraph may  
5 testify by live, two-way audio and video transmission, if testimony  
6 by live, two-way audio and video transmission is available at the  
7 court.

8 (2) Determination of the amount of restitution ordered pursuant  
9 to this subdivision shall not be affected by the indemnification or  
10 subrogation rights of a third party. Restitution ordered pursuant to  
11 this subdivision shall be ordered to be deposited to the Restitution  
12 Fund to the extent that the victim, as defined in subdivision (k),  
13 has received assistance from the California Victim Compensation  
14 ~~and Government Claims~~ Board pursuant to Chapter 5 (commencing  
15 with Section 13950) of Part 4 of Division 3 of Title 2 of the  
16 Government Code.

17 (3) To the extent possible, the restitution order shall be prepared  
18 by the sentencing court, shall identify each victim and each loss  
19 to which it pertains, and shall be of a dollar amount that is sufficient  
20 to fully reimburse the victim or victims for every determined  
21 economic loss incurred as the result of the defendant's criminal  
22 conduct, including, but not limited to, all of the following:

23 (A) Full or partial payment for the value of stolen or damaged  
24 property. The value of stolen or damaged property shall be the  
25 replacement cost of like property, or the actual cost of repairing  
26 the property when repair is possible.

27 (B) Medical expenses.

28 (C) Mental health counseling expenses.

29 (D) Wages or profits lost due to injury incurred by the victim,  
30 and if the victim is a minor, wages or profits lost by the minor's  
31 parent, parents, guardian, or guardians, while caring for the injured  
32 minor. Lost wages shall include commission income as well as  
33 base wages. Commission income shall be established by evidence  
34 of commission income during the 12-month period prior to the  
35 date of the crime for which restitution is being ordered, unless  
36 good cause for a shorter time period is shown.

37 (E) Wages or profits lost by the victim, and if the victim is a  
38 minor, wages or profits lost by the minor's parent, parents,  
39 guardian, or guardians, due to time spent as a witness or in assisting  
40 the police or prosecution. Lost wages shall include commission

1 income as well as base wages. Commission income shall be  
2 established by evidence of commission income during the  
3 12-month period prior to the date of the crime for which restitution  
4 is being ordered, unless good cause for a shorter time period is  
5 shown.

6 (F) Noneconomic losses, including, but not limited to,  
7 psychological harm, for felony violations of Section 288.

8 (G) Interest, at the rate of 10 percent per annum, that accrues  
9 as of the date of sentencing or loss, as determined by the court.

10 (H) Actual and reasonable attorney's fees and other costs of  
11 collection accrued by a private entity on behalf of the victim.

12 (I) Expenses incurred by an adult victim in relocating away  
13 from the defendant, including, but not limited to, deposits for  
14 utilities and telephone service, deposits for rental housing,  
15 temporary lodging and food expenses, clothing, and personal items.  
16 Expenses incurred pursuant to this section shall be verified by law  
17 enforcement to be necessary for the personal safety of the victim  
18 or by a mental health treatment provider to be necessary for the  
19 emotional well-being of the victim.

20 (J) Expenses to install or increase residential security incurred  
21 related to a violent felony, as defined in subdivision (c) of Section  
22 667.5, including, but not limited to, a home security device or  
23 system, or replacing or increasing the number of locks.

24 (K) Expenses to retrofit a residence or vehicle, or both, to make  
25 the residence accessible to or the vehicle operational by the victim,  
26 if the victim is permanently disabled, whether the disability is  
27 partial or total, as a direct result of the crime.

28 (L) Expenses for a period of time reasonably necessary to make  
29 the victim whole, for the costs to monitor the credit report of, and  
30 for the costs to repair the credit of, a victim of identity theft, as  
31 defined in Section 530.5.

32 (4) (A) If, as a result of the defendant's conduct, the Restitution  
33 Fund has provided assistance to or on behalf of a victim or  
34 derivative victim pursuant to Chapter 5 (commencing with Section  
35 13950) of Part 4 of Division 3 of Title 2 of the Government Code,  
36 the amount of assistance provided shall be presumed to be a direct  
37 result of the defendant's criminal conduct and shall be included  
38 in the amount of the restitution ordered.

39 (B) The amount of assistance provided by the Restitution Fund  
40 shall be established by copies of bills submitted to the California



1 ~~Victim Compensation and Government Claims~~ Board reflecting  
2 the amount paid by the board and whether the services for which  
3 payment was made were for medical or dental expenses, funeral  
4 or burial expenses, mental health counseling, wage or support  
5 losses, or rehabilitation. Certified copies of these bills provided  
6 by the board and redacted to protect the privacy and safety of the  
7 victim or any legal privilege, together with a statement made under  
8 penalty of perjury by the custodian of records that those bills were  
9 submitted to and were paid by the board, shall be sufficient to meet  
10 this requirement.

11 (C) If the defendant offers evidence to rebut the presumption  
12 established by this paragraph, the court may release additional  
13 information contained in the records of the board to the defendant  
14 only after reviewing that information in camera and finding that  
15 the information is necessary for the defendant to dispute the amount  
16 of the restitution order.

17 (5) Except as provided in paragraph (6), in any case in which  
18 an order may be entered pursuant to this subdivision, the defendant  
19 shall prepare and file a disclosure identifying all assets, income,  
20 and liabilities in which the defendant held or controlled a present  
21 or future interest as of the date of the defendant's arrest for the  
22 crime for which restitution may be ordered. The financial disclosure  
23 statements shall be made available to the victim and the board  
24 pursuant to Section 1214. The disclosure shall be signed by the  
25 defendant upon a form approved or adopted by the Judicial Council  
26 for the purpose of facilitating the disclosure. A defendant who  
27 willfully states as true a material matter that he or she knows to  
28 be false on the disclosure required by this subdivision is guilty of  
29 a misdemeanor, unless this conduct is punishable as perjury or  
30 another provision of law provides for a greater penalty.

31 (6) A defendant who fails to file the financial disclosure required  
32 in paragraph (5), but who has filed a financial affidavit or financial  
33 information pursuant to subdivision (c) of Section 987, shall be  
34 deemed to have waived the confidentiality of that affidavit or  
35 financial information as to a victim in whose favor the order of  
36 restitution is entered pursuant to subdivision (f). The affidavit or  
37 information shall serve in lieu of the financial disclosure required  
38 in paragraph (5), and paragraphs (7) to (10), inclusive, shall not  
39 apply.

(7) Except as provided in paragraph (6), the defendant shall file the disclosure with the clerk of the court no later than the date set for the defendant's sentencing, unless otherwise directed by the court. The disclosure may be inspected or copied as provided by subdivision (b), (c), or (d) of Section 1203.05.

(8) In its discretion, the court may relieve the defendant of the duty under paragraph (7) of filing with the clerk by requiring that the defendant's disclosure be submitted as an attachment to, and be available to, those authorized to receive the following:

(A) A report submitted pursuant to subparagraph (C) of paragraph (2) of subdivision (b) of Section 1203 or subdivision (g) of Section 1203.

(B) A stipulation submitted pursuant to paragraph (4) of subdivision (b) of Section 1203.

(C) A report by the probation officer, or information submitted by the defendant applying for a conditional sentence pursuant to subdivision (d) of Section 1203.

(9) The court may consider a defendant's unreasonable failure to make a complete disclosure pursuant to paragraph (5) as any of the following:

(A) A circumstance in aggravation of the crime in imposing a term under subdivision (b) of Section 1170.

(B) A factor indicating that the interests of justice would not be served by admitting the defendant to probation under Section 1203.

(C) A factor indicating that the interests of justice would not be served by conditionally sentencing the defendant under Section 1203.

(D) A factor indicating that the interests of justice would not be served by imposing less than the maximum fine and sentence fixed by law for the case.

(10) A defendant's failure or refusal to make the required disclosure pursuant to paragraph (5) shall not delay entry of an order of restitution or pronouncement of sentence. In appropriate cases, the court may do any of the following:

(A) Require the defendant to be examined by the district attorney pursuant to subdivision (h).

(B) If sentencing the defendant under Section 1170, provide that the victim shall receive a copy of the portion of the probation report filed pursuant to Section 1203.10 concerning the defendant's employment, occupation, finances, and liabilities.

1 (C) If sentencing the defendant under Section 1203, set a date  
2 and place for submission of the disclosure required by paragraph  
3 (5) as a condition of probation or suspended sentence.

4 (11) If a defendant has any remaining unpaid balance on a  
5 restitution order or fine 120 days prior to his or her scheduled  
6 release from probation or 120 days prior to his or her completion  
7 of a conditional sentence, the defendant shall prepare and file a  
8 new and updated financial disclosure identifying all assets, income,  
9 and liabilities in which the defendant holds or controls or has held  
10 or controlled a present or future interest during the defendant's  
11 period of probation or conditional sentence. The financial  
12 disclosure shall be made available to the victim and the board  
13 pursuant to Section 1214. The disclosure shall be signed and  
14 prepared by the defendant on the same form as described in  
15 paragraph (5). A defendant who willfully states as true a material  
16 matter that he or she knows to be false on the disclosure required  
17 by this subdivision is guilty of a misdemeanor, unless this conduct  
18 is punishable as perjury or another provision of law provides for  
19 a greater penalty. The financial disclosure required by this  
20 paragraph shall be filed with the clerk of the court no later than  
21 90 days prior to the defendant's scheduled release from probation  
22 or completion of the defendant's conditional sentence.

23 (12) In cases where an employer is convicted of a crime against  
24 an employee, a payment to the employee or the employee's  
25 dependent that is made by the employer's workers' compensation  
26 insurance carrier shall not be used to offset the amount of the  
27 restitution order unless the court finds that the defendant  
28 substantially met the obligation to pay premiums for that insurance  
29 coverage.

30 (g) The court shall order full restitution unless it finds  
31 compelling and extraordinary reasons for not doing so and states  
32 those reasons on the record. A defendant's inability to pay shall  
33 not be considered a compelling and extraordinary reason not to  
34 impose a restitution order, nor shall inability to pay be a  
35 consideration in determining the amount of a restitution order.

36 (h) The district attorney may request an order of examination  
37 pursuant to the procedures specified in Article 2 (commencing  
38 with Section 708.110) of Chapter 6 of Division 2 of Title 9 of Part  
39 2 of the Code of Civil Procedure, in order to determine the

1 defendant's financial assets for purposes of collecting on the  
2 restitution order.

3 (i) A restitution order imposed pursuant to subdivision (f) shall  
4 be enforceable as if the order were a civil judgment.

5 (j) The making of a restitution order pursuant to subdivision (f)  
6 shall not affect the right of a victim to recovery from the Restitution  
7 Fund as otherwise provided by law, except to the extent that  
8 restitution is actually collected pursuant to the order. Restitution  
9 collected pursuant to this subdivision shall be credited to any other  
10 judgments for the same losses obtained against the defendant  
11 arising out of the crime for which the defendant was convicted.

12 (k) For purposes of this section, "victim" shall include all of  
13 the following:

14 (1) The immediate surviving family of the actual victim.

15 (2) A corporation, business trust, estate, trust, partnership,  
16 association, joint venture, government, governmental subdivision,  
17 agency, or instrumentality, or any other legal or commercial entity  
18 when that entity is a direct victim of a crime.

19 (3) A person who has sustained economic loss as the result of  
20 a crime and who satisfies any of the following conditions:

21 (A) At the time of the crime was the parent, grandparent, sibling,  
22 spouse, child, or grandchild of the victim.

23 (B) At the time of the crime was living in the household of the  
24 victim.

25 (C) At the time of the crime was a person who had previously  
26 lived in the household of the victim for a period of not less than  
27 two years in a relationship substantially similar to a relationship  
28 listed in subparagraph (A).

29 (D) Is another family member of the victim, including, but not  
30 limited to, the victim's fiancé or fiancée, and who witnessed the  
31 crime.

32 (E) Is the primary caretaker of a minor victim.

33 (4) A person who is eligible to receive assistance from the  
34 Restitution Fund pursuant to Chapter 5 (commencing with Section  
35 13950) of Part 4 of Division 3 of Title 2 of the Government Code.

36 (5) A governmental entity that is responsible for repairing,  
37 replacing, or restoring public or privately owned property that has  
38 been defaced with graffiti or other inscribed material, as defined  
39 in subdivision (e) of Section 594, and that has sustained an

1 economic loss as the result of a violation of Section 594, 594.3,  
2 594.4, 640.5, 640.6, or 640.7.

3 (l) At its discretion, the board of supervisors of a county may  
4 impose a fee to cover the actual administrative cost of collecting  
5 the restitution fine, not to exceed 10 percent of the amount ordered  
6 to be paid, to be added to the restitution fine and included in the  
7 order of the court, the proceeds of which shall be deposited in the  
8 general fund of the county.

9 (m) In every case in which the defendant is granted probation,  
10 the court shall make the payment of restitution fines and orders  
11 imposed pursuant to this section a condition of probation. Any  
12 portion of a restitution order that remains unsatisfied after a  
13 defendant is no longer on probation shall continue to be enforceable  
14 by a victim pursuant to Section 1214 until the obligation is  
15 satisfied.

16 (n) If the court finds and states on the record compelling and  
17 extraordinary reasons why a restitution fine or full restitution order  
18 should not be required, the court shall order, as a condition of  
19 probation, that the defendant perform specified community service,  
20 unless it finds and states on the record compelling and  
21 extraordinary reasons not to require community service in addition  
22 to the finding that restitution should not be required. Upon  
23 revocation of probation, the court shall impose restitution pursuant  
24 to this section.

25 (o) The provisions of Section 13963 of the Government Code  
26 shall apply to restitution imposed pursuant to this section.

27 (p) The court clerk shall notify the California Victim  
28 Compensation and Government Claims Board within 90 days of  
29 an order of restitution being imposed if the defendant is ordered  
30 to pay restitution to the board due to the victim receiving  
31 compensation from the Restitution Fund. Notification shall be  
32 accomplished by mailing a copy of the court order to the board,  
33 which may be done periodically by bulk mail or email.

34 (q) Upon conviction for a violation of Section 236.1, the court  
35 shall, in addition to any other penalty or restitution, order the  
36 defendant to pay restitution to the victim in a case in which a victim  
37 has suffered economic loss as a result of the defendant's conduct.  
38 The court shall require that the defendant make restitution to the  
39 victim or victims in an amount established by court order, based  
40 on the amount of loss claimed by the victim or victims or another

1 showing to the court. In determining restitution pursuant to this  
2 section, the court shall base its order upon the greater of the  
3 following: the gross value of the victim's labor or services based  
4 upon the comparable value of similar services in the labor market  
5 in which the offense occurred, or the value of the victim's labor  
6 as guaranteed under California law, or the actual income derived  
7 by the defendant from the victim's labor or services or any other  
8 appropriate means to provide reparations to the victim.

9 (r) (1) In addition to any other penalty or fine, the court shall  
10 order a person who has been convicted of a violation of Section  
11 350, 653h, 653s, 653u, 653w, or 653aa that involves a recording  
12 or audiovisual work to make restitution to an owner or lawful  
13 producer, or trade association acting on behalf of the owner or  
14 lawful producer, of a phonograph record, disc, wire, tape, film, or  
15 other device or article from which sounds or visual images are  
16 derived that suffered economic loss resulting from the violation.  
17 The order of restitution shall be based on the aggregate wholesale  
18 value of lawfully manufactured and authorized devices or articles  
19 from which sounds or visual images are devised corresponding to  
20 the number of nonconforming devices or articles involved in the  
21 offense, unless a higher value can be proved in the case of (A) an  
22 unreleased audio work, or (B) an audiovisual work that, at the time  
23 of unauthorized distribution, has not been made available in copies  
24 for sale to the general public in the United States on a digital  
25 versatile disc. For purposes of this subdivision, possession of  
26 nonconforming devices or articles intended for sale constitutes  
27 actual economic loss to an owner or lawful producer in the form  
28 of displaced legitimate wholesale purchases. The order of  
29 restitution shall also include reasonable costs incurred as a result  
30 of an investigation of the violation undertaken by the owner, lawful  
31 producer, or trade association acting on behalf of the owner or  
32 lawful producer. "Aggregate wholesale value" means the average  
33 wholesale value of lawfully manufactured and authorized sound  
34 or audiovisual recordings. Proof of the specific wholesale value  
35 of each nonconforming device or article is not required.

36 (2) As used in this subdivision, "audiovisual work" and  
37 "recording" shall have the same meaning as in Section 653w.

38 *SEC. 241. Section 1202.41 of the Penal Code is amended to*  
39 *read:*

1 1202.41. (a) (1) Notwithstanding Section 977 or any other  
2 law, if a defendant is currently incarcerated in a state prison with  
3 two-way audiovideo communication capability, the Department  
4 of Corrections, at the request of the California Victim  
5 Compensation and Government Claims Board, may collaborate  
6 with a court in any county to arrange for a hearing to impose or  
7 amend a restitution order, if the victim has received assistance  
8 pursuant to Article 5 (commencing with Section 13959) of Chapter  
9 5 of Part 4 of Division 3 of Title 2 of the Government Code, to be  
10 conducted by two-way electronic audiovideo communication  
11 between the defendant and the courtroom in lieu of the defendant's  
12 physical presence in the courtroom, provided the county has agreed  
13 to make the necessary equipment available.

14 (2) Nothing in this subdivision shall be interpreted to eliminate  
15 the authority of the court to issue an order requiring the defendant  
16 to be physically present in the courtroom in those cases where the  
17 court finds circumstances that require the physical presence of the  
18 defendant in the courtroom.

19 (3) In lieu of the physical presence of the defendant's counsel  
20 at the institution with the defendant, the court and the Department  
21 of Corrections shall establish a confidential telephone and facsimile  
22 transmission line between the court and the institution for  
23 communication between the defendant's counsel in court and the  
24 defendant at the institution. In this case, counsel for the defendant  
25 shall not be required to be physically present at the institution  
26 during the hearing via electronic audiovideo communication.  
27 Nothing in this subdivision shall be construed to prohibit the  
28 physical presence of the defense counsel with the defendant at the  
29 state prison.

30 (b) If an inmate who is not incarcerated in a state prison with  
31 two-way audiovideo communication capability or ward does not  
32 waive his or her right to attend a restitution hearing for the  
33 amendment of a restitution order, the California Victim  
34 Compensation and Government Claims Board shall determine if  
35 the cost of holding the hearing is justified. If the board determines  
36 that the cost of holding the hearing is not justified, the amendment  
37 of the restitution order affecting that inmate or ward shall not be  
38 pursued at that time.

39 (c) Nothing in this section shall be construed to prohibit an  
40 individual or district attorney's office from independently pursuing

1 the imposition or amendment of a restitution order that may result  
2 in a hearing, regardless of whether the victim has received  
3 assistance pursuant to Article 1 (commencing with Section 13959)  
4 of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government  
5 Code.

6 *SEC. 242. Section 1214 of the Penal Code is amended to read:*

7 1214. (a) If the judgment is for a fine, including a restitution  
8 fine ordered pursuant to Section 1202.4, 1202.44, or 1202.45, or  
9 Section 1203.04 as operative on or before August 2, 1995, or  
10 Section 13967 of the Government Code, as operative on or before  
11 September 28, 1994, with or without imprisonment, or a diversion  
12 restitution fee ordered pursuant to Section 1001.90, the judgment  
13 may be enforced in the manner provided for the enforcement of  
14 money judgments generally. Any portion of a restitution fine or  
15 restitution fee that remains unsatisfied after a defendant is no longer  
16 on probation, parole, postrelease community supervision pursuant  
17 to Section 3451, or mandatory supervision pursuant to  
18 subparagraph (B) of paragraph (5) of subdivision (h) of Section  
19 1170, after a term in custody pursuant to subparagraph (A) of  
20 paragraph (5) of subdivision (h) of Section 1170, or after  
21 completing diversion is enforceable by the California Victim  
22 Compensation and Government Claims Board pursuant to this  
23 section. Notwithstanding any other provision of law prohibiting  
24 disclosure, the state, as defined in Section 900.6 of the Government  
25 Code, a local public entity, as defined in Section 900.4 of the  
26 Government Code, or any other entity, may provide the California  
27 Victim Compensation and Government Claims Board any and all  
28 information to assist in the collection of unpaid portions of a  
29 restitution fine for terminated probation or parole cases, or of a  
30 restitution fee for completed diversion cases. For purposes of the  
31 preceding sentence, “state, as defined in Section 900.6 of the  
32 Government Code,” and “any other entity” shall not include the  
33 Franchise Tax Board. A local collection program may continue to  
34 collect restitution fines and restitution orders once a defendant is  
35 no longer on probation, postrelease community supervision, or  
36 mandatory supervision or after a term in custody pursuant to  
37 subparagraph (A) of paragraph (5) of subdivision (h) of Section  
38 1170.

39 (b) In any case in which a defendant is ordered to pay restitution,  
40 the order to pay restitution (1) is deemed a money judgment if the



1 defendant was informed of his or her right to have a judicial  
2 determination of the amount and was provided with a hearing,  
3 waived a hearing, or stipulated to the amount of the restitution  
4 ordered, and (2) shall be fully enforceable by a victim as if the  
5 restitution order were a civil judgment, and enforceable in the same  
6 manner as is provided for the enforcement of any other money  
7 judgment. Upon the victim's request, the court shall provide the  
8 victim in whose favor the order of restitution is entered with a  
9 certified copy of that order and a copy of the defendant's disclosure  
10 pursuant to paragraph (5) of subdivision (f) of Section 1202.4,  
11 affidavit or information pursuant to paragraph (6) of subdivision  
12 (f) of Section 1202.4, or report pursuant to paragraph (8) of  
13 subdivision (f) of Section 1202.4. The court also shall provide this  
14 information to the district attorney upon request in connection with  
15 an investigation or prosecution involving perjury or the veracity  
16 of the information contained within the defendant's financial  
17 disclosure. In addition, upon request, the court shall provide the  
18 California Victim Compensation and Government Claims Board  
19 with a certified copy of any order imposing a restitution fine or  
20 order and a copy of the defendant's disclosure pursuant to  
21 paragraph (5) of subdivision (f) of Section 1202.4, affidavit or  
22 information pursuant to paragraph (6) of subdivision (f) of Section  
23 1202.4, or report pursuant to paragraph (8) of subdivision (f) of  
24 Section 1202.4. A victim shall have access to all resources available  
25 under the law to enforce the restitution order, including, but not  
26 limited to, access to the defendant's financial records, use of wage  
27 garnishment and lien procedures, information regarding the  
28 defendant's assets, and the ability to apply for restitution from any  
29 fund established for the purpose of compensating victims in civil  
30 cases. Any portion of a restitution order that remains unsatisfied  
31 after a defendant is no longer on probation, parole, postrelease  
32 community supervision under Section 3451, or mandatory  
33 supervision imposed pursuant to subparagraph (B) of paragraph  
34 (5) of subdivision (h) of Section 1170 or after a term in custody  
35 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)  
36 of Section 1170 is enforceable by the victim pursuant to this  
37 section. Victims and the California Victim Compensation and  
38 Government Claims Board shall inform the court whenever an  
39 order to pay restitution is satisfied. A local collection program may  
40 continue to enforce victim restitution orders once a defendant is

1 no longer on probation, postrelease community supervision, or  
2 mandatory supervision or after completion of a term in custody  
3 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)  
4 of Section 1170.

5 (c) A defendant who owes a restitution fine, a restitution order,  
6 or any portion thereof, and who is released from the custody of a  
7 county jail facility after a term in custody pursuant to subparagraph  
8 (A) of paragraph (5) of subdivision (h) of Section 1170 shall have  
9 a continuing obligation to pay the restitution fine or restitution  
10 order in full.

11 (d) Except as provided in subdivision (d), and notwithstanding  
12 the amount in controversy limitation of Section 85 of the Code of  
13 Civil Procedure, a restitution order or restitution fine that was  
14 imposed pursuant to Section 1202.4 in any of the following cases  
15 may be enforced in the same manner as a money judgment in a  
16 limited civil case:

17 (1) In a misdemeanor case.

18 (2) In a case involving violation of a city or town ordinance.

19 (3) In a noncapital criminal case where the court has received  
20 a plea of guilty or nolo contendere.

21 (e) Chapter 3 (commencing with Section 683.010) of Division  
22 1 of Title 9 of Part 2 of the Code of Civil Procedure shall not apply  
23 to any of the following:

24 (1) A judgment for court-ordered fines, forfeitures, penalties,  
25 fees, or assessments.

26 (2) A restitution fine or restitution order imposed pursuant to  
27 Section 1202.4, 1202.44, or 1202.45, or Section 1203.04, as  
28 operative on or before August 2, 1995, or Section 13967 of the  
29 Government Code, as operative on or before September 28, 1994.

30 (3) A diversion restitution fee ordered pursuant to Section  
31 1001.90.

32 *SEC. 243. Section 1463.02 of the Penal Code is amended to*  
33 *read:*

34 1463.02. (a) On or before June 30, 2011, the Judicial Council  
35 shall establish a task force to evaluate criminal and traffic-related  
36 court-ordered debts imposed against adult and juvenile offenders.  
37 The task force shall be comprised of the following members:

38 (1) Two members appointed by the California State Association  
39 of Counties.

40 (2) Two members appointed by the League of California Cities.

1 (3) Two court executives, two judges, and two Administrative  
2 Office of the Courts employees appointed by the Judicial Council.

3 (4) One member appointed by the Controller.

4 (5) One member appointed by the Franchise Tax Board.

5 (6) One member appointed by the California Victim  
6 Compensation and Government Claims Board.

7 (7) One member appointed by the Department of Corrections  
8 and Rehabilitation.

9 (8) One member appointed by the Department of Finance.

10 (9) One member appointed by each house of the Legislature.

11 (10) A county public defender and a city attorney appointed by  
12 the Speaker of the Assembly.

13 (11) A defense attorney in private practice and a district attorney  
14 appointed by the Senate Committee on Rules.

15 (b) The Judicial Council shall designate a chairperson for the  
16 task force. The task force shall, among other duties, do all of the  
17 following:

18 (1) Identify all criminal and traffic-related court-ordered fees,  
19 fines, forfeitures, penalties, and assessments imposed under law.

20 (2) Identify the distribution of revenue derived from those debts  
21 and the expenditures made by those entities that benefit from the  
22 revenues.

23 (3) Consult with state and local entities that would be affected  
24 by a simplification and consolidation of criminal and traffic-related  
25 court-ordered debts.

26 (4) Evaluate and make recommendations to the Judicial Council  
27 and the Legislature for consolidating and simplifying the imposition  
28 of criminal and traffic-related court-ordered debts and the  
29 distribution of the revenue derived from those debts with the goal  
30 of improving the process for those entities that benefit from the  
31 revenues, and recommendations, if any, for adjustment to the  
32 court-ordered debts.

33 (c) The task force also shall document recent annual revenues  
34 from the various penalty assessments and surcharges and, to the  
35 extent feasible, evaluate the extent to which the amount of each  
36 penalty assessment and surcharge impacts total annual revenues,  
37 imposition of criminal sentences, and the actual amounts assessed.

38 (d) The task force also shall evaluate and make  
39 recommendations to the Judicial Council and the Legislature on  
40 or before June 30, 2011, regarding the priority in which

1 court-ordered debts should be satisfied and the use of  
2 comprehensive collection programs authorized pursuant to Section  
3 1463.007, including associated cost-recovery practices.

4 *SEC. 244. Section 1485.5 of the Penal Code is amended to*  
5 *read:*

6 1485.5. (a) If the district attorney or Attorney General  
7 stipulates to or does not contest the factual allegations underlying  
8 one or more of the grounds for granting a writ of habeas corpus  
9 or a motion to vacate a judgment, the facts underlying the basis  
10 for the court's ruling or order shall be binding on the Attorney  
11 General, the factfinder, and the California Victim Compensation  
12 ~~and Government Claims Board.~~

13 (b) The district attorney shall provide notice to the Attorney  
14 General prior to entering into a stipulation of facts that will be the  
15 basis for the granting of a writ of habeas corpus or a motion to  
16 vacate a judgment.

17 (c) The express factual findings made by the court, including  
18 credibility determinations, in considering a petition for habeas  
19 corpus, a motion to vacate judgment pursuant to Section 1473.6,  
20 or an application for a certificate of factual innocence, shall be  
21 binding on the Attorney General, the factfinder, and the California  
22 Victim Compensation ~~and Government Claims Board.~~

23 (d) For the purposes of this section, "express factual findings"  
24 are findings established as the basis for the court's ruling or order.

25 (e) For purposes of this section, "court" is defined as a state or  
26 federal court.

27 *SEC. 245. Section 1485.55 of the Penal Code is amended to*  
28 *read:*

29 1485.55. (a) In a contested proceeding, if the court grants a  
30 writ of habeas corpus concerning a person who is unlawfully  
31 imprisoned or restrained, or when, pursuant to Section 1473.6, the  
32 court vacates a judgment on the basis of new evidence concerning  
33 a person who is no longer unlawfully imprisoned or restrained,  
34 and if the court finds that new evidence on the petition points  
35 unerringly to innocence, that finding shall be binding on the  
36 California Victim Compensation ~~and Government Claims Board~~  
37 for a claim presented to the board, and upon application by the  
38 person, the board shall, without a hearing, recommend to the  
39 Legislature that an appropriation be made and the claim paid  
40 pursuant to Section 4904.

1 (b) If the court grants a writ of habeas corpus concerning a  
2 person who is unlawfully imprisoned or restrained on any ground  
3 other than new evidence that points unerringly to innocence or  
4 actual innocence, the petitioner may move for a finding of  
5 innocence by a preponderance of the evidence that the crime with  
6 which he or she was charged was either not committed at all or,  
7 if committed, was not committed by him or her.

8 (c) If the court vacates a judgment pursuant to Section 1473.6,  
9 on any ground other than new evidence that points unerringly to  
10 innocence or actual innocence, the petitioner may move for a  
11 finding of innocence by a preponderance of the evidence that the  
12 crime with which he or she was charged was either not committed  
13 at all or, if committed, was not committed by him or her.

14 (d) If the court makes a finding that the petitioner has proven  
15 his or her innocence by a preponderance of the evidence pursuant  
16 to subdivision (b) or (c), the board shall, without a hearing,  
17 recommend to the Legislature that an appropriation be made and  
18 the claim paid pursuant to Section 4904.

19 (e) No presumption shall exist in any other proceeding for failure  
20 to make a motion or obtain a favorable ruling pursuant to  
21 subdivision (b) or (c).

22 (f) If a federal court, after granting a writ of habeas corpus,  
23 pursuant to a nonstatutory motion or request, finds a petitioner  
24 innocent by no less than a preponderance of the evidence that the  
25 crime with which he or she was charged was either not committed  
26 at all or, if committed, was not committed by him or her, the board  
27 shall, without a hearing, recommend to the Legislature that an  
28 appropriation be made and the claim paid pursuant to Section 4904.

29 (g) For the purposes of this section, “new evidence” means  
30 evidence that was not available or known at the time of trial that  
31 completely undermines the prosecution case and points unerringly  
32 to innocence.

33 *SEC. 246. Section 1557 of the Penal Code is amended to read:*

34 1557. (a) This section shall apply when this state or a city,  
35 county, or city and county employs a person to travel to a foreign  
36 jurisdiction outside this state for the express purpose of returning  
37 a fugitive from justice to this state when the Governor of this state,  
38 in the exercise of the authority conferred by Section 2 of Article  
39 IV of the United States Constitution, or by the laws of this state,  
40 has demanded the surrender of the fugitive from the executive

1 authority of any state of the United States, or of any foreign  
2 government.

3 (b) Upon the approval of the Governor, the ~~State~~ Controller  
4 shall audit and pay out of the State Treasury as provided in  
5 subdivision (c) or (d) the accounts of the person employed to bring  
6 back the fugitive, including any money paid by that person for all  
7 of the following:

8 (1) Money paid to the authorities of a sister state for statutory  
9 fees in connection with the detention and surrender of the fugitive.

10 (2) Money paid to the authorities of the sister state for the  
11 subsistence of the fugitive while detained by the sister state without  
12 payment of which the authorities of the sister state refuse to  
13 surrender the fugitive.

14 (3) Where it is necessary to present witnesses or evidence in  
15 the sister state, without which the sister state would not surrender  
16 the fugitive, the cost of producing the witnesses or evidence in the  
17 sister state.

18 (4) Where the appearance of witnesses has been authorized in  
19 advance by the Governor, who may authorize the appearance in  
20 unusual cases where the interests of justice would be served, the  
21 cost of producing witnesses to appear in the sister state on behalf  
22 of the fugitive in opposition to his or her extradition.

23 (c) No amount shall be paid out of the State Treasury to a city,  
24 county, or city and county except as follows:

25 (1) When a warrant has been issued by any magistrate after the  
26 filing of a complaint or the finding of an indictment and its  
27 presentation to the court and filing by the clerk, and the person  
28 named therein as defendant is a fugitive from justice who has been  
29 found and arrested in any state of the United States or in any  
30 foreign government, the county auditor shall draw his or her  
31 warrant and the county treasurer shall pay to the person designated  
32 to return the fugitive, the amount of expenses estimated by the  
33 district attorney to be incurred in the return of the fugitive.

34 (2) If the person designated to return the fugitive is a city officer,  
35 the city officer authorized to draw warrants on the city treasury  
36 shall draw his or her warrant and the city treasurer shall pay to that  
37 person the amount of expenses estimated by the district attorney  
38 to be incurred in the return of the fugitive.

39 (3) The person designated to return the fugitive shall make no  
40 disbursements from any funds advanced without a receipt being

1 obtained therefor showing the amount, the purpose for which the  
2 sum is expended, the place, the date, and to whom paid.

3 (4) A receipt obtained pursuant to paragraph (3) shall be filed  
4 by the person designated to return the fugitive with the county  
5 auditor or appropriate city officer or ~~State~~ *the* Controller, as the  
6 case may be, together with an affidavit by the person that the  
7 expenditures represented by the receipts were necessarily made in  
8 the performance of duty, and when the advance has been made by  
9 the county or city treasurer to the person designated to return the  
10 fugitive, and has thereafter been audited by the ~~State~~ Controller,  
11 the payment thereof shall be made by the State Treasurer to the  
12 county or city treasury that has advanced the funds.

13 (5) In every case where the expenses of the person employed  
14 to bring back the fugitive as provided in this section, are less than  
15 the amount advanced on the recommendation of the district  
16 attorney, the person employed to bring back the fugitive shall  
17 return to the county or city treasurer, as appropriate, the difference  
18 in amount between the aggregate amount of receipts so filed by  
19 him or her, as herein employed, and the amount advanced to the  
20 person upon the recommendation of the district attorney.

21 (6) When no advance has been made to the person designated  
22 to return the fugitive, the sums expended by him or her, when  
23 audited by the ~~State~~ Controller, shall be paid by the State Treasurer  
24 to the person so designated.

25 (7) Any payments made out of the State Treasury pursuant to  
26 this section shall be made from appropriations for the fiscal year  
27 in which those payments are made.

28 (d) Payments to state agencies will be made in accord with the  
29 rules of the ~~California Victim Compensation and Government~~  
30 ~~Claims Board~~. *Department of General Services*. No city, county,  
31 or other jurisdiction may file, and the state may not reimburse, a  
32 claim pursuant to this section that is presented to the Department  
33 of Corrections and Rehabilitation or to any other agency or  
34 department of the state more than six months after the close of the  
35 month in which the costs were incurred.

36 *SEC. 247. Section 2085.5 of the Penal Code is amended to*  
37 *read:*

38 2085.5. (a) In any case in which a prisoner owes a restitution  
39 fine imposed pursuant to subdivision (a) of Section 13967 of the  
40 Government Code, as operative prior to September 29, 1994,

subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. The amount deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments.

(b) (1) When a prisoner is punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, in any case in which a prisoner owes a restitution fine imposed pursuant to subdivision (a) of Section 13967 of the Government Code, as operative prior to September 29, 1994, subdivision (b) of Section 730.6 of the Welfare and Institutions Code, or subdivision (b) of Section 1202.4, the agency designated by the board of supervisors in the county where the prisoner is incarcerated is authorized to deduct a minimum of 20 percent or the balance owing on the fine amount, whichever is less, up to a maximum of 50 percent from the county jail equivalent of wages and trust account deposits of a prisoner, unless prohibited by federal law, and shall transfer that amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury. The amount deducted shall be credited against the amount owing on the fine. The sentencing court shall be provided a record of the payments.

(2) If the board of supervisors designates the county sheriff as the collecting agency, the board of supervisors shall first obtain the concurrence of the county sheriff.

(c) In any case in which a prisoner owes a restitution order imposed pursuant to subdivision (c) of Section 13967 of the Government Code, as operative prior to September 29, 1994, subdivision (h) of Section 730.6 of the Welfare and Institutions Code, or subdivision (f) of Section 1202.4, the Secretary of the Department of Corrections and Rehabilitation shall deduct a minimum of 20 percent or the balance owing on the order amount, whichever is less, up to a maximum of 50 percent from the wages and trust account deposits of a prisoner, unless prohibited by



1 federal law. The secretary shall transfer that amount to the  
2 California Victim Compensation and Government Claims Board  
3 for direct payment to the victim, or payment shall be made to the  
4 Restitution Fund to the extent that the victim has received  
5 assistance pursuant to that program. The sentencing court shall be  
6 provided a record of the payments made to victims and of the  
7 payments deposited to the Restitution Fund pursuant to this  
8 subdivision.

9 (d) When a prisoner is punished by imprisonment in a county  
10 jail pursuant to subdivision (h) of Section 1170, in any case in  
11 which a prisoner owes a restitution order imposed pursuant to  
12 subdivision (c) of Section 13967 of the Government Code, as  
13 operative prior to September 29, 1994, subdivision (h) of Section  
14 730.6 of the Welfare and Institutions Code, or subdivision (b) of  
15 Section 1202.4, the agency designated by the board of supervisors  
16 in the county where the prisoner is incarcerated is authorized to  
17 deduct a minimum of 20 percent or the balance owing on the order  
18 amount, whichever is less, up to a maximum of 50 percent from  
19 the county jail equivalent of wages and trust account deposits of  
20 a prisoner, unless prohibited by federal law. The agency shall  
21 transfer that amount to the California Victim Compensation and  
22 Government Claims Board for direct payment to the victim, or  
23 payment shall be made to the Restitution Fund to the extent that  
24 the victim has received assistance pursuant to that program, or  
25 may pay the victim directly. The sentencing court shall be provided  
26 a record of the payments made to the victims and of the payments  
27 deposited to the Restitution Fund pursuant to this subdivision.

28 (e) The secretary shall deduct and retain from the wages and  
29 trust account deposits of a prisoner, unless prohibited by federal  
30 law, an administrative fee that totals 10 percent of any amount  
31 transferred to the California Victim Compensation and Government  
32 Claims Board pursuant to subdivision (a) or (c). The secretary  
33 shall deduct and retain from any prisoner settlement or trial award,  
34 an administrative fee that totals 5 percent of any amount paid from  
35 the settlement or award to satisfy an outstanding restitution order  
36 or fine pursuant to subdivision (n), unless prohibited by federal  
37 law. The secretary shall deposit the administrative fee moneys in  
38 a special deposit account for reimbursing administrative and  
39 support costs of the restitution program of the Department of  
40 Corrections and Rehabilitation. The secretary, at his or her

1 discretion, may retain any excess funds in the special deposit  
2 account for future reimbursement of the department's  
3 administrative and support costs for the restitution program or may  
4 transfer all or part of the excess funds for deposit in the Restitution  
5 Fund.

6 (f) When a prisoner is punished by imprisonment in a county  
7 jail pursuant to subdivision (h) of Section 1170, the agency  
8 designated by the board of supervisors in the county where the  
9 prisoner is incarcerated is authorized to deduct and retain from the  
10 county jail equivalent of wages and trust account deposits of a  
11 prisoner, unless prohibited by federal law, an administrative fee  
12 that totals 10 percent of any amount transferred to the California  
13 Victim Compensation and Government Claims Board pursuant to  
14 subdivision (b) or (d). The agency is authorized to deduct and  
15 retain from a prisoner settlement or trial award an administrative  
16 fee that totals 5 percent of any amount paid from the settlement  
17 or award to satisfy an outstanding restitution order or fine pursuant  
18 to subdivision (n), unless prohibited by federal law. Upon release  
19 from custody pursuant to subdivision (h) of Section 1170, the  
20 agency is authorized to charge a fee to cover the actual  
21 administrative cost of collection, not to exceed 10 percent of the  
22 total amount collected. The agency shall deposit the administrative  
23 fee moneys in a special deposit account for reimbursing  
24 administrative and support costs of the restitution program of the  
25 agency. The agency is authorized to retain any excess funds in the  
26 special deposit account for future reimbursement of the agency's  
27 administrative and support costs for the restitution program or may  
28 transfer all or part of the excess funds for deposit in the Restitution  
29 Fund.

30 (g) In any case in which a parolee owes a restitution fine  
31 imposed pursuant to subdivision (a) of Section 13967 of the  
32 Government Code, as operative prior to September 29, 1994,  
33 subdivision (b) of Section 730.6 of the Welfare and Institutions  
34 Code, or subdivision (b) of Section 1202.4, the secretary, or, when  
35 a prisoner is punished by imprisonment in a county jail pursuant  
36 to subdivision (h) of Section 1170, the agency designated by the  
37 board of supervisors in the county where the prisoner is  
38 incarcerated, may collect from the parolee or, pursuant to Section  
39 2085.6, from a person previously imprisoned in county jail any  
40 moneys owing on the restitution fine amount, unless prohibited

1 by federal law. The secretary or the agency shall transfer that  
2 amount to the California Victim Compensation and Government  
3 Claims Board for deposit in the Restitution Fund in the State  
4 Treasury. The amount deducted shall be credited against the  
5 amount owing on the fine. The sentencing court shall be provided  
6 a record of the payments.

7 (h) In any case in which a parolee owes a direct order of  
8 restitution, imposed pursuant to subdivision (c) of Section 13967  
9 of the Government Code, as operative prior to September 29, 1994,  
10 subdivision (h) of Section 730.6 of the Welfare and Institutions  
11 Code, or paragraph (3) of subdivision (a) of Section 1202.4, the  
12 secretary, or, when a prisoner is punished by imprisonment in a  
13 county jail pursuant to subdivision (h) of Section 1170, the agency  
14 designated by the board of supervisors in the county where the  
15 prisoner is incarcerated or a local collection program, may collect  
16 from the parolee or, pursuant to Section 2085.6, from a person  
17 previously imprisoned in county jail any moneys owing, unless  
18 prohibited by federal law. The secretary or the agency shall transfer  
19 that amount to the California Victim Compensation and  
20 Government Claims Board for direct payment to the victim, or  
21 payment shall be made to the Restitution Fund to the extent that  
22 the victim has received assistance pursuant to that program, or the  
23 agency may pay the victim directly. The sentencing court shall be  
24 provided a record of the payments made by the offender pursuant  
25 to this subdivision.

26 (i) The secretary, or, when a prisoner is punished by  
27 imprisonment in a county jail pursuant to subdivision (h) of Section  
28 1170, the agency designated by the board of supervisors in the  
29 county where the prisoner is incarcerated, may deduct and retain  
30 from moneys collected from parolees or persons previously  
31 imprisoned in county jail an administrative fee that totals 10 percent  
32 of any amount transferred to the California Victim Compensation  
33 and Government Claims Board pursuant to subdivision (g) or (h),  
34 unless prohibited by federal law. The secretary shall deduct and  
35 retain from any settlement or trial award of a parolee an  
36 administrative fee that totals 5 percent of an amount paid from the  
37 settlement or award to satisfy an outstanding restitution order or  
38 fine pursuant to subdivision (n), unless prohibited by federal law.  
39 The agency is authorized to deduct and retain from any settlement  
40 or trial award of a person previously imprisoned in county jail an

1 administrative fee that totals 5 percent of any amount paid from  
2 the settlement or award to satisfy an outstanding restitution order  
3 or fine pursuant to subdivision (n). The secretary or the agency  
4 shall deposit the administrative fee moneys in a special deposit  
5 account for reimbursing administrative and support costs of the  
6 restitution program of the Department of Corrections and  
7 Rehabilitation or the agency, as applicable. The secretary, at his  
8 or her discretion, or the agency may retain any excess funds in the  
9 special deposit account for future reimbursement of the  
10 department's or agency's administrative and support costs for the  
11 restitution program or may transfer all or part of the excess funds  
12 for deposit in the Restitution Fund.

13 (j) When a prisoner has both a restitution fine and a restitution  
14 order from the sentencing court, the Department of Corrections  
15 and Rehabilitation shall collect the restitution order first pursuant  
16 to subdivision (c).

17 (k) When a prisoner is punished by imprisonment in a county  
18 jail pursuant to subdivision (h) of Section 1170 and that prisoner  
19 has both a restitution fine and a restitution order from the  
20 sentencing court, if the agency designated by the board of  
21 supervisors in the county where the prisoner is incarcerated collects  
22 the fine and order, the agency shall collect the restitution order  
23 first pursuant to subdivision (d).

24 (l) When a parolee has both a restitution fine and a restitution  
25 order from the sentencing court, the Department of Corrections  
26 and Rehabilitation, or, when the prisoner is punished by  
27 imprisonment in a county jail pursuant to subdivision (h) of Section  
28 1170, the agency designated by the board of supervisors in the  
29 county where the prisoner is incarcerated, may collect the  
30 restitution order first, pursuant to subdivision (h).

31 (m) If an inmate is housed at an institution that requires food  
32 to be purchased from the institution canteen for unsupervised  
33 overnight visits, and if the money for the purchase of this food is  
34 received from funds other than the inmate's wages, that money  
35 shall be exempt from restitution deductions. This exemption shall  
36 apply to the actual amount spent on food for the visit up to a  
37 maximum of fifty dollars (\$50) for visits that include the inmate  
38 and one visitor, seventy dollars (\$70) for visits that include the  
39 inmate and two or three visitors, and eighty dollars (\$80) for visits  
40 that include the inmate and four or more visitors.

(n) Compensatory or punitive damages awarded by trial or settlement to any inmate, parolee, person placed on postrelease community supervision pursuant to Section 3451, or defendant on mandatory supervision imposed pursuant to subparagraph (B) of paragraph (5) of subdivision (h) of Section 1170, in connection with a civil action brought against a federal, state, or local jail, prison, or correctional facility, or any official or agent thereof, shall be paid directly, after payment of reasonable attorney's fees and litigation costs approved by the court, to satisfy any outstanding restitution orders or restitution fines against that person. The balance of the award shall be forwarded to the payee after full payment of all outstanding restitution orders and restitution fines, subject to subdivisions (e) and (i). The Department of Corrections and Rehabilitation shall make all reasonable efforts to notify the victims of the crime for which that person was convicted concerning the pending payment of any compensatory or punitive damages. For any prisoner punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170, the agency is authorized to make all reasonable efforts to notify the victims of the crime for which that person was convicted concerning the pending payment of any compensatory or punitive damages.

(o) (1) Amounts transferred to the California Victim Compensation and Government Claims Board for payment of direct orders of restitution shall be paid to the victim within 60 days from the date the restitution revenues are received by the California Victim Compensation and Government Claims Board. If the restitution payment to a victim is less than twenty-five dollars (\$25), then payment need not be forwarded to that victim until the payment reaches twenty-five dollars (\$25) or when the victim requests payment of the lesser amount.

(2) If a victim cannot be located, the restitution revenues received by the California Victim Compensation and Government Claims Board on behalf of the victim shall be held in trust in the Restitution Fund until the end of the state fiscal year subsequent to the state fiscal year in which the funds were deposited or until the time that the victim has provided current address information, whichever occurs sooner. Amounts remaining in trust at the end of the specified period of time shall revert to the Restitution Fund.

(3) (A) A victim failing to provide a current address within the period of time specified in paragraph (2) may provide documentation to the Department of Corrections and Rehabilitation, which shall verify that moneys were collected on behalf of the victim. Upon receipt of that verified information from the Department of Corrections and Rehabilitation, the California Victim Compensation and Government Claims Board shall transmit the restitution revenues to the victim in accordance with the provisions of subdivision (c) or (h).

(B) A victim failing to provide a current address within the period of time specified in paragraph (2) may provide documentation to the agency designated by the board of supervisors in the county where the prisoner punished by imprisonment in a county jail pursuant to subdivision (h) of Section 1170 is incarcerated, which may verify that moneys were collected on behalf of the victim. Upon receipt of that verified information from the agency, the California Victim Compensation and Government Claims Board shall transmit the restitution revenues to the victim in accordance with the provisions of subdivision (d) or (h).

*SEC. 248. Section 2085.6 of the Penal Code is amended to read:*

2085.6. (a) When a prisoner who owes a restitution fine, or any portion thereof, is subsequently released from the custody of the Department of Corrections and Rehabilitation or a county jail facility, and is subject to postrelease community supervision under Section 3451 or mandatory supervision under subdivision (h) of Section 1170, he or she shall have a continuing obligation to pay the restitution fine in full. The restitution fine obligation and any portion left unsatisfied upon placement in postrelease community supervision or mandatory supervision is enforceable and may be collected, in a manner to be established by the county board of supervisors, by the department or county agency designated by the board of supervisors in the county where the prisoner is released. If a county elects to collect restitution fines, the department or county agency designated by the county board of supervisors shall transfer the amount collected to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury.

(b) When a prisoner who owes payment for a restitution order, or any portion thereof, is released from the custody of the

Department of Corrections and Rehabilitation or a county jail facility, and is subject to postrelease community supervision under Section 3451 or mandatory supervision under subdivision (h) of Section 1170, he or she shall have a continuing obligation to pay the restitution order in full. The restitution order obligation and any portion left unsatisfied upon placement in postrelease community supervision or mandatory supervision is enforceable and may be collected, in a manner to be established by the county board of supervisors, by the agency designated by the county board of supervisors in the county where the prisoner is released. If the county elects to collect the restitution order, the agency designated by the county board of supervisors for collection shall transfer the collected amount to the California Victim Compensation and Government Claims Board for deposit in the Restitution Fund in the State Treasury or may pay the victim directly. The sentencing court shall be provided a record of payments made to the victim and of the payments deposited into the Restitution Fund.

(c) Any portion of a restitution order or restitution fine that remains unsatisfied after an individual is released from postrelease community supervision or mandatory supervision shall continue to be enforceable by a victim pursuant to Section 1214 until the obligation is satisfied.

(d) At its discretion, a county board of supervisors may impose a fee upon the individual subject to postrelease community supervision or mandatory supervision to cover the actual administrative cost of collecting the restitution fine and the restitution order, not to exceed 10 percent of the amount collected, the proceeds of which shall be deposited into the general fund of the county.

(e) If a county elects to collect both a restitution fine and a restitution order, the amount owed on the restitution order shall be collected before the restitution fine.

(f) If a county elects to collect restitution fines and restitution orders pursuant to this section, the county shall coordinate efforts with the Franchise Tax Board pursuant to Section 19280 of the Revenue and Taxation Code.

(g) Pursuant to Section 1214, the county agency selected by a county board of supervisors to collect restitution fines and restitution orders may collect restitution fines and restitution orders after an individual is no longer on postrelease community

1 supervision or mandatory supervision or after a term in custody  
2 pursuant to subparagraph (A) of paragraph (5) of subdivision (h)  
3 of Section 1170.

4 (h) For purposes of this section, the following definitions shall  
5 apply:

6 (1) “Restitution fine” means a fine imposed pursuant to  
7 subdivision (a) of Section 13967 of the Government Code, as  
8 operative prior to September 29, 1994, subdivision (b) of Section  
9 730.6 of the Welfare and Institutions Code, or subdivision (b) of  
10 Section 1202.4.

11 (2) “Restitution order” means an order for restitution to the  
12 victim of a crime imposed pursuant to subdivision (c) of Section  
13 13967 of the Government Code, as operative prior to September  
14 29, 1994, subdivision (h) of Section 730.6 of the Welfare and  
15 Institutions Code, or subdivision (f) of Section 1202.4.

16 *SEC. 249. Section 2786 of the Penal Code is amended to read:*

17 2786. All money received pursuant to this article in the Inmate  
18 Welfare Fund of the Department of Corrections and Rehabilitation  
19 is hereby appropriated for educational, recreational, and other  
20 purposes described in Section 5006 at the various prison camps  
21 established under this article and shall be expended by the secretary  
22 upon warrants drawn upon the State Treasury by the Controller  
23 after approval of the claims by the ~~California Victim Compensation~~  
24 ~~and Government Claims Board.~~ *Department of General Services.*  
25 It is the intent of the Legislature that moneys in this fund only be  
26 expended on services other than those that the department is  
27 required to provide to inmates.

28 *SEC. 250. Section 4900 of the Penal Code is amended to read:*

29 4900. Any person who, having been convicted of any crime  
30 against the state amounting to a felony and imprisoned in the state  
31 prison or incarcerated in county jail pursuant to subdivision (h) of  
32 Section 1170 for that conviction, is granted a pardon by the  
33 Governor for the reason that the crime with which he or she was  
34 charged was either not committed at all or, if committed, was not  
35 committed by him or her, or who, being innocent of the crime with  
36 which he or she was charged for either of the foregoing reasons,  
37 shall have served the term or any part thereof for which he or she  
38 was imprisoned in state prison or incarcerated in county jail, may,  
39 under the conditions provided under this chapter, present a claim  
40 against the state to the California Victim Compensation ~~and~~



1 ~~Government Claims~~ Board for the pecuniary injury sustained by  
2 him or her through the erroneous conviction and imprisonment or  
3 incarceration.

4 *SEC. 251. Section 4901 of the Penal Code is amended to read:*

5 4901. (a) A claim under Section 4900, accompanied by a  
6 statement of the facts constituting the claim, verified in the manner  
7 provided for the verification of complaints in civil actions, is  
8 required to be presented by the claimant to the California Victim  
9 Compensation and ~~Government Claims~~ Board within a period of  
10 two years after judgment of acquittal or after pardon granted, or  
11 after release from custody, and no claim not so presented shall be  
12 considered by the California Victim Compensation and  
13 ~~Government Claims~~ Board.

14 (b) For purposes of subdivision (a), “release from custody”  
15 means release from imprisonment from state prison or from  
16 incarceration in county jail when there is no subsequent parole  
17 jurisdiction exercised by the Department of Correction and  
18 Rehabilitation or postrelease jurisdiction under a community  
19 corrections program, or when there is a parole period or postrelease  
20 period subject to jurisdiction of a community corrections program,  
21 when that period ends.

22 (c) A person may not file a claim under Section 4900 until 60  
23 days have passed since the date of reversal of conviction or granting  
24 of the writ, or while the case is pending upon an initial refiling, or  
25 until a complaint or information has been dismissed a single time.

26 *SEC. 252. Section 4902 of the Penal Code is amended to read:*

27 4902. (a) If the provisions of Section 851.865 or 1485.55 apply  
28 in any claim, the California Victim Compensation and ~~Government~~  
29 ~~Claims~~ Board shall, within 30 days of the presentation of the claim,  
30 calculate the compensation for the claimant pursuant to Section  
31 4904 and recommend to the Legislature payment of that sum. As  
32 to any claim to which Section 851.865 or 1485.55 does not apply,  
33 the Attorney General shall respond to the claim within 60 days or  
34 request an extension of time, upon a showing of good cause.

35 (b) Upon receipt of a response from the Attorney General, the  
36 board shall fix a time and place for the hearing of the claim, and  
37 shall mail notice thereof to the claimant and to the Attorney  
38 General at least 15 days prior to the time fixed for the hearing. The  
39 board shall use reasonable diligence in setting the date for the

1 hearing and shall attempt to set the date for the hearing at the  
2 earliest date convenient for the parties and the board.

3 (c) If the time period for response elapses without a request for  
4 extension or a response from the Attorney General pursuant to  
5 subdivision (a), the board shall fix a time and place for the hearing  
6 of the claim, mail notice thereof to the claimant at least 15 days  
7 prior to the time fixed for the hearing, and make a recommendation  
8 based on the claimant's verified claim and any evidence presented  
9 by him or her.

10 *SEC. 253. Section 4904 of the Penal Code is amended to read:*

11 4904. If the evidence shows that the crime with which the  
12 claimant was charged was either not committed at all, or, if  
13 committed, was not committed by the claimant, and that the  
14 claimant has sustained injury through his or her erroneous  
15 conviction and imprisonment, the California Victim Compensation  
16 ~~and Government Claims~~ Board shall report the facts of the case  
17 and its conclusions to the next Legislature, with a recommendation  
18 that the Legislature make an appropriation for the purpose of  
19 indemnifying the claimant for the injury. The amount of the  
20 appropriation recommended shall be a sum equivalent to one  
21 hundred forty dollars (\$140) per day of incarceration served, and  
22 shall include any time spent in custody, including in a county jail,  
23 that is considered to be part of the term of incarceration. That  
24 appropriation shall not be treated as gross income to the recipient  
25 under the Revenue and Taxation Code.

26 *SEC. 254. Section 4905 of the Penal Code is amended to read:*

27 4905. The California Victim Compensation ~~and Government~~  
28 ~~Claims~~ Board shall make up its report and recommendation and  
29 shall give to the Controller a statement showing its  
30 recommendations for appropriations under this chapter, as provided  
31 by law in cases of other claimants against the state for which no  
32 appropriations have been made.

33 *SEC. 255. Section 4906 of the Penal Code is amended to read:*

34 4906. The California Victim Compensation ~~and Government~~  
35 ~~Claims~~ Board is hereby authorized to make all needful rules and  
36 regulations consistent with the law for the purpose of carrying into  
37 effect this chapter.

38 *SEC. 256. Section 11163 of the Penal Code is amended to*  
39 *read:*

11163. (a) The Legislature finds and declares that even though the Legislature has provided for immunity from liability, pursuant to Section 11161.9, for persons required or authorized to report pursuant to this article, that immunity does not eliminate the possibility that actions may be brought against those persons based upon required reports of abuse pursuant to other laws.

In order to further limit the financial hardship that those persons may incur as a result of fulfilling their legal responsibility, it is necessary that they not be unfairly burdened by legal fees incurred in defending those actions.

(b) (1) Therefore, a health practitioner may present a claim to the ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* for reasonable attorney's fees incurred in any action against that person on the basis of that person reporting in accordance with this article if the court dismisses the action upon a demurrer or motion for summary judgment made by that person or if that person prevails in the action.

(2) The ~~California Victim Compensation and Government Claims Board~~ *Department of General Services* shall allow the claim pursuant to paragraph (1) if the requirements of paragraph (1) are met, and the claim shall be paid from an appropriation to be made for that purpose. Attorney's fees awarded pursuant to this section shall not exceed an hourly rate greater than the rate charged by the Attorney General at the time the award is made and shall not exceed an aggregate amount of fifty thousand dollars (\$50,000).

(3) This subdivision shall not apply if a public entity has provided for the defense of the action pursuant to Section 995 of the Government Code.

*SEC. 257. Section 11172 of the Penal Code is amended to read:*

11172. (a) No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article, and this immunity shall apply even if the mandated reporter acquired the knowledge or reasonable suspicion of child abuse or neglect outside of his or her professional capacity or outside the scope of his or her employment. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew

1 that the report was false or was made with reckless disregard of  
2 the truth or falsity of the report, and any person who makes a report  
3 of child abuse or neglect known to be false or with reckless  
4 disregard of the truth or falsity of the report is liable for any  
5 damages caused. No person required to make a report pursuant to  
6 this article, nor any person taking photographs at his or her  
7 direction, shall incur any civil or criminal liability for taking  
8 photographs of a suspected victim of child abuse or neglect, or  
9 causing photographs to be taken of a suspected victim of child  
10 abuse or neglect, without parental consent, or for disseminating  
11 the photographs, images, or material with the reports required by  
12 this article. However, this section shall not be construed to grant  
13 immunity from this liability with respect to any other use of the  
14 photographs.

15 (b) Any person, who, pursuant to a request from a government  
16 agency investigating a report of suspected child abuse or neglect,  
17 provides the requesting agency with access to the victim of a  
18 known or suspected instance of child abuse or neglect shall not  
19 incur civil or criminal liability as a result of providing that access.

20 (c) Any commercial computer technician, and any employer of  
21 any commercial computer technician, who, pursuant to a warrant  
22 from a law enforcement agency investigating a report of suspected  
23 child abuse or neglect, provides the law enforcement agency with  
24 a computer or computer component which contains possible  
25 evidence of a known or suspected instance of child abuse or  
26 neglect, shall not incur civil or criminal liability as a result of  
27 providing that computer or computer component to the law  
28 enforcement agency.

29 (d) (1) The Legislature finds that even though it has provided  
30 immunity from liability to persons required or authorized to make  
31 reports pursuant to this article, that immunity does not eliminate  
32 the possibility that actions may be brought against those persons  
33 based upon required or authorized reports. In order to further limit  
34 the financial hardship that those persons may incur as a result of  
35 fulfilling their legal responsibilities, it is necessary that they not  
36 be unfairly burdened by legal fees incurred in defending those  
37 actions. Therefore, a mandated reporter may present a claim to the  
38 ~~California Victim Compensation and Government Claims Board~~  
39 *Department of General Services* for reasonable attorney's fees and  
40 costs incurred in any action against that person on the basis of

making a report required or authorized by this article if the court has dismissed the action upon a demurrer or motion for summary judgment made by that person, or if he or she prevails in the action.

~~The California Victim Compensation and Government Claims~~

~~Board~~ *Department of General Services* shall allow that claim if the requirements of this subdivision are met, and the claim shall be paid from an appropriation to be made for that purpose.

Attorney's fees awarded pursuant to this section shall not exceed an hourly rate greater than the rate charged by the Attorney General of the State of California at the time the award is made and shall not exceed an aggregate amount of fifty thousand dollars (\$50,000).

(2) This subdivision shall not apply if a public entity has provided for the defense of the action pursuant to Section 995 of the Government Code.

(e) A court may award attorney's fees and costs to a commercial film and photographic print processor when a suit is brought against the processor because of a disclosure mandated by this article and the court finds this suit to be frivolous.

*SEC. 258. Section 13835.2 of the Penal Code is amended to read:*

13835.2. (a) Funds appropriated from the Victim-Witness Assistance Fund shall be made available through the Office of Emergency Services to any public or private nonprofit agency for the assistance of victims and witnesses that meets all of the following requirements:

(1) It provides comprehensive services to victims and witnesses of all types of crime. It is the intent of the Legislature to make funds available only to programs that do not restrict services to victims and witnesses of a particular type of crime, and do not restrict services to victims of crime in which there is a suspect in the case.

(2) It is recognized by the board of supervisors as the major provider of comprehensive services to victims and witnesses in the county.

(3) It is selected by the board of supervisors as the agency to receive funds pursuant to this article.

(4) It assists victims of crime in the preparation, verification, and presentation of their claims to the California Victim Compensation and Government Claims Board for indemnification

1 pursuant to Article 1 (commencing with Section 13959) of Part 4  
2 of Division 3 of Title 2 of the Government Code.

3 (5) It cooperates with the California Victim Compensation and  
4 Government Claims Board in verifying the data required by Article  
5 1 (commencing with Section 13959) of Part 4 of Division 3 of  
6 Title 2 of the Government Code.

7 (b) The Office of Emergency Services shall consider the  
8 following factors, together with any other circumstances it deems  
9 appropriate, in awarding funds to public or private nonprofit  
10 agencies designated as victim and witness assistance centers:

11 (1) The capability of the agency to provide comprehensive  
12 services as defined in this article.

13 (2) The stated goals and objectives of the center.

14 (3) The number of people to be served and the needs of the  
15 community.

16 (4) Evidence of community support.

17 (5) The organizational structure of the agency that will operate  
18 the center.

19 (6) The capability of the agency to provide confidentiality of  
20 records.

21 *SEC. 259. Section 14030 of the Penal Code is amended to*  
22 *read:*

23 14030. (a) The Attorney General shall establish a liaison with  
24 the United States Marshal's office in order to facilitate the legal  
25 processes over which the federal government has sole authority,  
26 including, but not limited to, those processes included in Section  
27 14024. The liaison shall coordinate all requests for federal  
28 assistance relating to witness protection as established by this title.

29 (b) The Attorney General shall pursue all federal sources that  
30 may be available for implementing this program. For that purpose,  
31 the Attorney General shall establish a liaison with the United States  
32 Department of Justice.

33 (c) The Attorney General, with the California Victim  
34 Compensation and Government Claims Board, shall establish  
35 procedures to maximize federal funds for witness protection  
36 services.

37 *SEC. 260. Section 216 of the Probate Code is amended to read:*

38 216. (a) For the purposes of this section "confined" means to  
39 be confined in a prison or facility under the jurisdiction of the  
40 Department of Corrections and Rehabilitation, or its Division of

1 Juvenile Facilities, or confined in any county or city jail, road  
2 camp, industrial farm, or other local correctional facility.

3 (b) The estate attorney, or if there is no estate attorney, the  
4 beneficiary, the personal representative, or the person in possession  
5 of property of the decedent shall give the Director of the California  
6 Victim Compensation and Government Claims Board notice of a  
7 decedent's death not later than 90 days after the date of death in  
8 either of the following circumstances:

9 (1) The deceased person has an heir or beneficiary who is  
10 confined.

11 (2) The estate attorney, or if there is no estate attorney, the  
12 beneficiary, the personal representative, or the person in possession  
13 of property of the decedent, knows that an heir or beneficiary has  
14 previously been confined.

15 (c) The notice shall be given as provided in Section 1215 and  
16 shall include all of the following:

17 (1) The name, date of birth, and location of incarceration, or  
18 current address if no longer incarcerated, of the decedent's heir or  
19 beneficiary.

20 (2) The heir's or beneficiary's CDCR number if incarcerated  
21 in a Department of Corrections and Rehabilitation facility or  
22 booking number if incarcerated in a county facility.

23 (3) A copy of the decedent's death certificate.

24 (4) The probate case number, and the name of the superior court  
25 hearing the case.

26 (d) Nothing in this section shall be interpreted as requiring the  
27 estate attorney, the beneficiary, the personal representative, or the  
28 person in possession of property of the decedent to conduct an  
29 additional investigation to determine whether a decedent has an  
30 heir or beneficiary who has been confined in a prison or facility  
31 under the jurisdiction of the Department of Corrections and  
32 Rehabilitation, or its Division of Juvenile Facilities, or confined  
33 in any county or city jail, road camp, industrial farm, or other local  
34 correctional facility.

35 *SEC. 261. Section 9202 of the Probate Code is amended to*  
36 *read:*

37 9202. (a) Not later than 90 days after the date letters are first  
38 issued to a general personal representative, the general personal  
39 representative or estate attorney shall give the Director of Health  
40 Care Services notice of the decedent's death in the manner provided

1 in Section 215 if the general personal representative knows or has  
2 reason to believe that the decedent received health care under  
3 Chapter 7 (commencing with Section 14000) or Chapter 8  
4 (commencing with Section 14200) of Part 3 of Division 9 of the  
5 Welfare and Institutions Code, or was the surviving spouse of a  
6 person who received that health care. The director has four months  
7 after notice is given in which to file a claim.

8 (b) Not later than 90 days after the date letters are first issued  
9 to a general personal representative, the general personal  
10 representative or estate attorney shall give the Director of the  
11 California Victim Compensation and Government Claims Board  
12 notice of the decedent's death in the manner provided in Section  
13 216 if the general personal representative or estate attorney knows  
14 that an heir or beneficiary is or has previously been confined in a  
15 prison or facility under the jurisdiction of the Department of  
16 Corrections and Rehabilitation or confined in any county or city  
17 jail, road camp, industrial farm, or other local correctional facility.  
18 The director of the board shall have four months after that notice  
19 is received in which to pursue collection of any outstanding  
20 restitution fines or orders.

21 (c) (1) Not later than 90 days after the date letters are first issued  
22 to a general personal representative, the general personal  
23 representative or estate attorney shall give the Franchise Tax Board  
24 notice of the administration of the estate. The notice shall be given  
25 as provided in Section 1215.

26 (2) The provisions of this subdivision shall apply to estates for  
27 which letters are first issued on or after July 1, 2008.

28 (d) Nothing in this section shall be interpreted as requiring the  
29 estate attorney, the beneficiary, the personal representative, or the  
30 person in possession of property of the decedent to conduct an  
31 additional investigation to determine whether a decedent has an  
32 heir or beneficiary who has been confined in a prison or facility  
33 under the jurisdiction of the Department of Corrections and  
34 Rehabilitation, or its Division of Juvenile Facilities, or confined  
35 in any county or city jail, road camp, industrial farm, or other local  
36 correctional facility.

37 *SEC. 262. Section 10301 of the Public Contract Code is*  
38 *amended to read:*

39 10301. Except in cases when the agency and the department  
40 agree that an article of a specified brand or trade name is the only



1 article that will properly meet the needs of the agency, or in cases  
2 where the ~~State Board of Control~~ *Department of General Services*  
3 has made a determination pursuant to Section 10308, all contracts  
4 for the acquisition or lease of goods in an amount of twenty-five  
5 thousand dollars (\$25,000), or a higher amount as established by  
6 the director, shall be made or entered into with the lowest  
7 responsible bidder meeting specifications.

8 For purposes of determining the lowest bid, the amount of sales  
9 tax shall be excluded from the total amount of the bid.

10 *SEC. 263. Section 10306 of the Public Contract Code is*  
11 *amended to read:*

12 10306. Whenever a contract or purchase order under this article  
13 is not to be awarded to the lowest bidder, the bidder shall be  
14 notified 24 hours prior to awarding the contract or purchase order  
15 to another bidder. Upon written request by any bidder who has  
16 submitted a bid, notice of the proposed award shall be posted in a  
17 public place in the offices of the department at least 24 hours prior  
18 to awarding the contract or purchase order. If prior to making the  
19 award, any bidder who has submitted a bid files a protest with the  
20 department against the awarding of the contract or purchase order  
21 on the ground that he or she is the lowest responsible bidder  
22 meeting specifications, the contract or purchase order shall not be  
23 awarded until either the protest has been withdrawn or the ~~State~~  
24 ~~Board of Control~~ *department* has made a final decision as to the  
25 action to be taken relative to the protest. In computing the 24-hour  
26 periods provided for in this section, Saturdays, Sundays, and legal  
27 holidays shall be excluded.

28 Within 10 days after filing a protest, the protesting bidder shall  
29 file with the ~~State Board of Control~~ *department* a full and complete  
30 written statement specifying in detail the ground of the protest and  
31 the facts in support thereof.

32 *SEC. 264. Section 10308 of the Public Contract Code is*  
33 *amended to read:*

34 10308. Except as provided otherwise in this chapter, every  
35 acquisition of goods in excess of one hundred dollars (\$100) for  
36 any state agency shall be made by or under the supervision of the  
37 department. However, the state agency may specify the quality of  
38 the goods to be acquired. If the department determines that the  
39 quality specified by the agency is inconsistent with the statewide  
40 standards established by the director under Section 10307, it shall

1 change the request to make it consistent with the standards, and it  
2 shall notify the state agency, within a reasonable time, before a  
3 contract is issued. If the agency is of the opinion the interests of  
4 the state would not be served by the acquisition of goods of a lesser  
5 quality or different than that specified by the agency, the agency  
6 may request a hearing before the ~~State Board of Control~~ department  
7 and the ~~board~~ department shall determine which goods will best  
8 serve the interests of the state, whereupon the department shall  
9 issue a contract for the goods specified by the ~~State Board of~~  
10 ~~Control~~ department.

11 *SEC. 265. Section 10311 of the Public Contract Code is*  
12 *amended to read:*

13 10311. (a) An estimate or requisition approved by the state  
14 agency in control of the appropriation or fund against which an  
15 acquisition is to be charged, is full authority for any contract for  
16 goods of the quality specified by the agency or determined by the  
17 ~~State Board of Control~~ department as provided in this article made  
18 pursuant thereto by the department.

19 (b) The department shall issue a call for bids within 30 days  
20 after receiving a requisition for any goods that are regularly  
21 acquired within this state. The period of closing time designated  
22 in the invitations for bids shall be exclusive of holidays and shall  
23 be extended to the next working day after a holiday.

24 (c) Except as provided in subdivision (d), after the closing date  
25 for receiving any bids within or without this state, the contract  
26 shall be awarded or the bids shall be rejected within 45 days unless  
27 a protest is filed as provided in Section 10306.

28 (d) After the 45-day time period prescribed by subdivision (c),  
29 the department may in its sound discretion either award the contract  
30 to the lowest responsible bidder meeting specifications who  
31 remains willing to accept the award or else reject all bids.

32 (e) The amendments made to this section at the 1987–88 Regular  
33 Session of the Legislature do not constitute a change in, but are  
34 declaratory of, existing law.

35 *SEC. 266. Section 10326.2 of the Public Contract Code is*  
36 *amended to read:*

37 10326.2. (a) As used in this section, “best value procurement”  
38 means a contract award determined by objective criteria related  
39 to price, features, functions, and life-cycle costs that may include  
40 the following:

1 (1) Total cost of ownership, including warranty, under which  
2 all repair costs are borne solely by the warranty provider, repair  
3 costs, maintenance costs, fuel consumption, and salvage value.

4 (2) Product performance, productivity, and safety standards.

5 (3) The supplier's ability to perform to the contract requirements.

6 (4) Environmental benefits, including reduction of greenhouse  
7 gas emissions, reduction of air pollutant emissions, or reduction  
8 of toxic or hazardous materials.

9 (b) The department may purchase and equip heavy mobile fleet  
10 vehicles and special equipment for use by the Department of  
11 Transportation by means of best value procurement, using  
12 specifications and criteria developed in consultation with the  
13 Department of Transportation.

14 (c) In addition to disclosure of the minimum requirements for  
15 qualification, the solicitation document shall specify what business  
16 performance measures in addition to price shall be given a weighted  
17 value. The department shall use a scoring method based on those  
18 factors and price in determining the successful bid. Any evaluation  
19 and scoring method shall ensure substantial weight is given to the  
20 contract price. The solicitation document shall provide for  
21 submission of sealed price information. Evaluation of all criteria  
22 other than price shall be completed before the opening of price  
23 information.

24 (d) Upon written request of any bidder who has submitted a bid,  
25 notice of the proposed award shall be posted in a public place in  
26 the offices of the department at least 24 hours before awarding the  
27 contract or purchase order. If, before making an award, any bidder  
28 who has submitted a bid files a protest with the department against  
29 the awarding of the contract or purchase order on the ground that  
30 his or her bid should have been selected in accordance with the  
31 selection criteria in the solicitation document, the contract or  
32 purchase order shall not be awarded until either the protest has  
33 been withdrawn or the ~~California Victim Compensation and~~  
34 ~~Government Claims Board~~ *department* has made a final decision  
35 as to the action to be taken relative to the protest. Within 10 days  
36 after filing a protest, the protesting bidder shall file with the  
37 ~~California Victim Compensation and Government Claims Board~~  
38 *department* a full and complete written statement specifying in  
39 detail the ground of the protest and the facts in support thereof.

1 (e) The total value of vehicles and equipment purchased through  
2 best value procurement pursuant to this section shall be limited to  
3 twenty million dollars (\$20,000,000) annually.

4 (f) On or before June 1, 2020, the Department of General  
5 Services shall prepare an evaluation of the best value procurement  
6 pilot authorized by this section, including a recommendation on  
7 whether or not the process should be continued. The evaluation  
8 shall be posted on the Department of Transportation's Internet  
9 Web site on or before June 30, 2020.

10 (g) This section shall remain in effect only until January 1, 2021,  
11 and as of that date is repealed, unless a later enacted statute, that  
12 is enacted before January 1, 2021, deletes or extends that date.

13 *SEC. 267. Section 12102.2 of the Public Contract Code is*  
14 *amended to read:*

15 12102.2. (a) Contract awards for all large-scale systems  
16 integration projects shall be based on the proposal that provides  
17 the most value-effective solution to the state's requirements, as  
18 determined by the evaluation criteria contained in the solicitation  
19 document. Evaluation criteria for the acquisition of information  
20 technology goods and services, including systems integration, shall  
21 provide for the selection of a contractor on an objective basis not  
22 limited to cost alone.

23 (1) The Department of Technology shall invite active  
24 participation, review, advice, comment, and assistance from the  
25 private sector and state agencies in developing procedures to  
26 streamline and to make the acquisition process more efficient,  
27 including, but not limited to, consideration of comprehensive  
28 statements in the request for proposals of the business needs and  
29 governmental functions, access to studies, planning documents,  
30 feasibility study reports and draft requests for proposals applicable  
31 to solicitations, minimizing the time and cost of the proposal  
32 submittal and selection process, and development of a procedure  
33 for submission and evaluation of a single proposal rather than  
34 multiple proposals.

35 (2) Solicitations for acquisitions based on evaluation criteria  
36 other than cost alone shall provide that sealed cost proposals shall  
37 be submitted and that they shall be opened at a time and place  
38 designated in the solicitation for bids and proposals. Evaluation  
39 of all criteria, other than cost, shall be completed prior to the time  
40 designated for public opening of cost proposals, and the results of

1 the completed evaluation shall be published immediately before  
2 the opening of cost proposals. The state's contact person for  
3 administration of the solicitation shall be identified in the  
4 solicitation for bids and proposals, and that person shall execute  
5 a certificate under penalty of perjury, which shall be made a  
6 permanent part of the official contract file, that all cost proposals  
7 received by the state have been maintained sealed and under lock  
8 and key until the time cost proposals are opened.

9 (b) The acquisition of hardware acquired independently of a  
10 system integration project may be made on the basis of lowest cost  
11 meeting all other specifications.

12 (c) The 5 percent small business preference provided for in  
13 Chapter 6.5 (commencing with Section 14835) of Part 5.5 of  
14 Division 3 of Title 2 of the Government Code and the regulations  
15 implementing that chapter shall be accorded to all qualifying small  
16 businesses.

17 (d) For all transactions formally advertised, evaluation of  
18 bidders' proposals for the purpose of determining contract award  
19 for information technology goods shall provide for consideration  
20 of a bidder's best financing alternatives, including lease or purchase  
21 alternatives, if any bidder so requests, not less than 30 days prior  
22 to the date of final bid submission, unless the acquiring agency  
23 can prove to the satisfaction of the Department of General Services  
24 that a particular financing alternative should not be so considered.

25 (e) Acquisition authority may be delegated by the Director of  
26 General Services to any state agency that has been determined by  
27 the Department of General Services to be capable of effective use  
28 of that authority. This authority may be limited by the Department  
29 of General Services. Acquisitions conducted under delegated  
30 authority shall be reviewed by the Department of General Services  
31 on a selective basis.

32 (f) To the extent practical, the solicitation documents shall  
33 provide for a contract to be written to enable acquisition of  
34 additional items to avoid essentially redundant acquisition  
35 processes when it can be determined that it is economical to do  
36 so.

37 (g) Protest procedures shall be developed to provide bidders an  
38 opportunity to protest any formal, competitive acquisition  
39 conducted in accordance with this chapter. The procedures shall  
40 provide that protests must be filed no later than five working days

1 after the issuance of an intent to award. Authority to protest may  
2 be limited to participating bidders. The Director of Technology,  
3 or a person designated by the director, may consider and decide  
4 on initial protests of bids for information technology projects  
5 conducted by the Department of Technology and  
6 telecommunications procurement made pursuant to Section 12120.  
7 The Director of the Department of General Services, or a person  
8 designated by the director, may consider and decide on initial  
9 protests of all other information technology acquisitions. A decision  
10 regarding an initial protest shall be final. If prior to the last day to  
11 protest, any bidder who has submitted an offer files a protest with  
12 the department against the awarding of the contract on the ground  
13 that his or her bid or proposal should have been selected in  
14 accordance with the selection criteria in the solicitation document,  
15 the contract shall not be awarded until either the protest has been  
16 withdrawn or the ~~California Victim Compensation and Government~~  
17 ~~Claims Board~~ *Department of General Services* has made a final  
18 decision as to the action to be taken relating to the protest. Within  
19 10 calendar days after filing a protest, the protesting bidder shall  
20 file with the ~~Victim Compensation and Government Claims Board~~  
21 *Department of General Services* a full and complete written  
22 statement specifying in detail the grounds of the protest and the  
23 facts in support thereof.

24 (h) Consistent with the procedures established and administered  
25 by the Department of General Services, information technology  
26 goods that have been determined to be surplus to state needs shall  
27 be disposed of in a manner that will best serve the interests of the  
28 state. Procedures governing the disposal of surplus goods may  
29 include auction or transfer to local governmental entities.

30 (i) A supplier may be excluded from bid processes if the  
31 supplier's performance with respect to a previously awarded  
32 contract has been unsatisfactory, as determined by the state in  
33 accordance with established procedures that shall be maintained  
34 in the State Administrative Manual. This exclusion may not exceed  
35 36 months for any one determination of unsatisfactory  
36 performance. Any supplier excluded in accordance with this section  
37 shall be reinstated as a qualified supplier at any time during this  
38 36-month period, upon demonstrating to the Department of General  
39 Services' satisfaction that the problems that resulted in the  
40 supplier's exclusion have been corrected.

1     *SEC. 268. Section 4116 of the Public Resources Code is*  
2     *amended to read:*

3     4116. Any claim for damages arising against the state under  
4     Section 4114 or 4115 shall be presented to the ~~California Victim~~  
5     ~~Compensation and Government Claims Board~~ *Department of*  
6     *General Services* in accordance with Part 3 (commencing with  
7     Section 900) and Part 4 (commencing with Section 940) of Division  
8     3.6 of Title 1 of the Government Code and, if not covered by  
9     insurance, shall be payable only out of funds appropriated by the  
10    Legislature for that purpose. If the state has elected to acquire  
11    liability insurance, the ~~California Victim Compensation and~~  
12    ~~Government Claims Board~~ *Department of General Services* may  
13    automatically deny this claim.

14    *SEC. 269. Section 4602.6 of the Public Resources Code is*  
15    *amended to read:*

16    4602.6. (a) If a timber operator believes that a forest officer  
17    lacked reasonable cause to issue or extend a stop order pursuant  
18    to Section 4602.5, the timber operator may present a claim to the  
19    ~~California Victim Compensation and Government Claims Board~~  
20    *Department of General Services* pursuant to Part 3 (commencing  
21    with Section 900) of Division 3.6 of Title 1 of the Government  
22    Code for compensation and damages resulting from the stopping  
23    of timber operations.

24    (b) If the ~~board~~ *Department of General Services* finds that the  
25    forest officer lacked reasonable cause to issue or extend the stop  
26    order, the ~~board~~ *department* shall award a sum of not less than one  
27    hundred dollars (\$100) nor more than one thousand dollars (\$1,000)  
28    per day for each day the order was in effect.

29    *SEC. 270. Section 5093.68 of the Public Resources Code is*  
30    *amended to read:*

31    5093.68. (a) Within the boundaries of special treatment areas  
32    adjacent to wild, scenic, or recreational river segments, all of the  
33    following provisions shall apply, in addition to any other applicable  
34    provision under this chapter or generally, whether by statute or  
35    regulation:

36    (1) A timber operator, whether licensed or not, is responsible  
37    for the actions of his or her employees. The registered professional  
38    forester who prepares and signs a timber harvesting plan, a timber  
39    management plan, or a notice of timber operations is responsible

1 for its contents, but is not responsible for the implementation or  
2 execution of the plan or notice unless employed for that purpose.

3 (2) A registered professional forester preparing a timber  
4 harvesting plan shall certify that he or she or a qualified  
5 representative has personally inspected the plan area on the ground.

6 (b) In order to temporarily suspend timber operations that are  
7 being conducted within special treatment areas adjacent to wild,  
8 scenic, or recreational rivers designated pursuant to Section  
9 5093.54, while judicial remedies are pursued pursuant to this  
10 section, an inspecting forest officer of the Department of Forestry  
11 and Fire Protection may issue a written timber operations stop  
12 order if, upon reasonable cause, the officer determines that a timber  
13 operation is being conducted, or is about to be conducted, in  
14 violation of Chapter 8 (commencing with Section 4511) of Part 2  
15 of Division 4, or of rules and regulations adopted pursuant to those  
16 provisions, and that the violation or threatened violation would  
17 result in imminent and substantial damage to soil, water, or timber  
18 resources or to fish and wildlife habitat. A stop order shall apply  
19 only to those acts or omissions that are the proximate cause of the  
20 violation or that are reasonably foreseen would be the proximate  
21 cause of a violation. The stop order shall be effective immediately  
22 and throughout the next day.

23 (c) A supervising forest officer may, after an onsite  
24 investigation, extend a stop order issued pursuant to subdivision  
25 (b) for up to five days, excluding Saturday and Sunday, if the forest  
26 officer finds that the original stop order was issued upon reasonable  
27 cause. A stop order shall not be issued or extended for the same  
28 act or omission more than one time.

29 (d) Each stop order shall identify the specific act or omission  
30 that constitutes a violation or that, if foreseen, would constitute a  
31 violation, the specific timber operation that is to be stopped, and  
32 any corrective or mitigative actions that may be required.

33 (e) The Department of Forestry and Fire Protection may  
34 terminate the stop order if the timber operator enters into a written  
35 agreement with the department assuring that the timber operator  
36 will resume operations in compliance with the provisions of  
37 Chapter 8 (commencing with Section 4511) of Part 2 of Division  
38 4, and with the rules and regulations adopted pursuant to those  
39 provisions, and will correct any violation. The department may



1 require a reasonable cash deposit or bond payable to the department  
2 as a condition of compliance with the agreement.

3 (f) Notice of the issuance of a stop order or an extension of a  
4 stop order shall be deemed to have been made to all persons  
5 working on the timber operation when a copy of the written order  
6 is delivered to the person in charge of operations at the time that  
7 the order is issued or, if no persons are present at that time, by  
8 posting a copy of the order conspicuously on the yarder or log  
9 loading equipment at a currently active landing on the timber  
10 operations site. If no person is present at the site when the order  
11 is issued, the issuing forest officer shall deliver a copy of the order  
12 to the timber operator either in person or to the operator's address  
13 of record prior to the commencement of the next working day.

14 (g) As used in this section, "forest officer" means a registered  
15 professional forester employed by the Department of Forestry and  
16 Fire Protection in a civil service classification of forester II or  
17 higher grade.

18 (h) (1) Failure of the timber operator or an employee of the  
19 timber operator, after receiving notice pursuant to this section, to  
20 comply with a validly issued stop order is a violation of this section  
21 and is a misdemeanor punishable by a fine of not less than five  
22 hundred dollars (\$500), or by imprisonment for not more than one  
23 year in the county jail, or both. The person shall also be subject to  
24 civil damages to the state not to exceed ten thousand dollars  
25 (\$10,000) for each misdemeanor violation. However, in all cases,  
26 the timber operator, and not an employee of the operator or any  
27 other person, shall be charged with that violation. Each day or  
28 portion thereof that the violation continues shall constitute a new  
29 and separate offense.

30 (2) In determining the penalty for a timber operator guilty of  
31 violating a validly issued stop order, the court shall take into  
32 consideration all relevant circumstances, including, but not limited  
33 to, the following:

34 (A) The extent of harm to soil, water, or timber resources or to  
35 fish and wildlife habitat.

36 (B) Corrective action, if any, taken by the defendant.

37 (i) Nothing in this section prevents a timber operator from  
38 seeking an alternative writ as prescribed in Chapter 2 (commencing  
39 with Section 1084) of Title 1 of Part 3 of the Code of Civil  
40 Procedure, or as provided by any other provision of law.

(j) (1) If a timber operator believes that a forest officer lacked reasonable cause to issue or extend a stop order pursuant to this section, the timber operator may present a claim to the ~~Victim Compensation and Government Claims Board~~ *Department of General Services* pursuant to Part 3 (commencing with Section 900) of Division 3.6 of Title 1 of the Government Code for compensation and damages resulting from the stopping of timber operations.

(2) If the ~~Victim Compensation and Government Claims Board~~ *Department of General Services* finds that the forest officer lacked reasonable cause to issue or extend the stop order, the board shall award a sum of not less than one hundred dollars (\$100), nor more than one thousand dollars (\$1,000), per day for each day the order was in effect.

*SEC. 271. Chapter 6.7 (commencing with Section 21189.50) is added to Division 13 of the Public Resources Code, to read:*

*CHAPTER 6.7. JUDICIAL REVIEW OF CAPITOL BUILDING ANNEX  
PROJECTS*

*21189.50. As used in this chapter, "capitol building annex project" means any work of construction of a state capitol building annex or restoration, rehabilitation, renovation, or reconstruction of the State Capitol Building Annex described in Section 9105 of the Government Code that is performed pursuant to Article 5.2 (commencing with Section 9112) of Chapter 1.5 of Part 1 of Division 2 of Title 2 of the Government Code.*

*21189.51. On or before July 1, 2017, the Judicial Council shall adopt a rule of court to establish procedures applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification of the environmental impact report for a capitol building annex project or the granting of any project approvals that require the actions or proceedings, including any potential appeals therefrom, be resolved, to the extent feasible, within 270 days of certification of the record of proceedings pursuant to Section 21189.52.*

*21189.52. (a) The lead agency shall prepare and certify the record of the proceedings in accordance with this section and in accordance with Rule 3.1365 of the California Rules of Court.*

1     (b) No later than three business days following the date of the  
2     release of the draft environmental impact report, the lead agency  
3     shall make available to the public in a readily accessible electronic  
4     format the draft environmental impact report and all other  
5     documents submitted to or relied on by the lead agency in the  
6     preparation of the draft environmental impact report. A document  
7     prepared by the lead agency after the date of the release of the  
8     draft environmental impact report that is a part of the record of  
9     the proceedings shall be made available to the public in a readily  
10    accessible electronic format within five business days after the  
11    document is prepared or received by the lead agency.

12    (c) Notwithstanding subdivision (b), documents submitted to or  
13    relied on by the lead agency that were not prepared specifically  
14    for the capitol building annex project and are copyright protected  
15    are not required to be made readily accessible in an electronic  
16    format. For those copyright protected documents, the lead agency  
17    shall make an index of these documents available in an electronic  
18    format no later than the date of the release of the draft  
19    environmental impact report, or within five business days if the  
20    document is received or relied on by the lead agency after the  
21    release of the draft environmental impact report. The index must  
22    specify the libraries or lead agency offices in which hard copies  
23    of the copyrighted materials are available for public review.

24    (d) The lead agency shall encourage written comments on the  
25    capitol building annex project to be submitted in a readily  
26    accessible electronic format, and shall make any such comment  
27    available to the public in a readily accessible electronic format  
28    within five days of its receipt.

29    (e) Within seven business days after the receipt of any comment  
30    that is not in an electronic format, the lead agency shall convert  
31    that comment into a readily accessible electronic format and make  
32    it available to the public in that format.

33    (f) The lead agency shall indicate in the record of the  
34    proceedings comments received that were not considered by the  
35    lead agency pursuant to subdivision (d) of Section 21189.55 and  
36    need not include the content of the comments as a part of the  
37    record.

38    (g) Within five days after the filing of the notice required by  
39    subdivision (a) of Section 21152, the lead agency shall certify the  
40    record of the proceedings for the approval or determination and

1 shall provide an electronic copy of the record to a party that has  
2 submitted a written request for a copy. The lead agency may charge  
3 and collect a reasonable fee from a party requesting a copy of the  
4 record for the electronic copy, which shall not exceed the  
5 reasonable cost of reproducing that copy.

6 (h) Within 10 days after being served with a complaint or a  
7 petition for a writ of mandate, the lead agency shall lodge a copy  
8 of the certified record of proceedings with the superior court.

9 (i) Any dispute over the content of the record of the proceedings  
10 shall be resolved by the superior court. Unless the superior court  
11 directs otherwise, a party disputing the content of the record shall  
12 file a motion to augment the record at the time it files its initial  
13 brief.

14 (j) The contents of the record of proceedings shall be as set  
15 forth in subdivision (e) of Section 21167.6.

16 21189.53. (a) In granting relief in an action or proceeding  
17 brought pursuant to this chapter, the court shall not enjoin the  
18 capitol building annex project unless the court finds either of the  
19 following:

20 (1) The continuation of the capitol building annex project  
21 presents an imminent threat to the public health and safety.

22 (2) The capitol building annex project site contains unforeseen  
23 important Native American artifacts or unforeseen important  
24 historical, archaeological, or ecological values that would be  
25 materially, permanently, and adversely affected by the continuation  
26 of the capitol building annex project unless the court stays or  
27 enjoins the capitol building annex project.

28 (b) If the court finds that either paragraph (1) or (2) of  
29 subdivision (a) is satisfied, the court shall only enjoin those specific  
30 activities associated with the capitol building annex project that  
31 present an imminent threat to public health and safety or that  
32 materially, permanently, and adversely affect unforeseen important  
33 Native American artifacts or unforeseen important historical,  
34 archaeological, or ecological values.

35 21189.54. (a) The draft and final environmental impact report  
36 shall include a notice in not less than 12-point type stating the  
37 following:

38 THIS EIR IS SUBJECT TO CHAPTER 6.7 (COMMENCING  
39 WITH SECTION 21189.50) OF DIVISION 13 OF THE PUBLIC  
40 RESOURCES CODE, WHICH PROVIDES, AMONG OTHER

1 *THINGS, THAT THE LEAD AGENCY NEED NOT CONSIDER*  
 2 *CERTAIN COMMENTS FILED AFTER THE CLOSE OF THE*  
 3 *PUBLIC COMMENT PERIOD FOR THE DRAFT EIR. ANY*  
 4 *JUDICIAL ACTION CHALLENGING THE CERTIFICATION OF*  
 5 *THE EIR OR THE APPROVAL OF THE PROJECT DESCRIBED*  
 6 *IN THE EIR IS SUBJECT TO THE PROCEDURES SET FORTH*  
 7 *IN SECTIONS 21189.51 TO 21189.53, INCLUSIVE, OF THE*  
 8 *PUBLIC RESOURCES CODE. A COPY OF CHAPTER 6.7*  
 9 *(COMMENCING WITH SECTION 21189.50) OF DIVISION 13*  
 10 *OF THE PUBLIC RESOURCES CODE IS INCLUDED IN THE*  
 11 *APPENDIX TO THIS EIR.*

12 *(b) The draft environmental impact report and final*  
 13 *environmental impact report shall contain, as an appendix, the*  
 14 *full text of this chapter.*

15 *21189.55. (a) Within 10 days after the release of the draft*  
 16 *environmental impact report, the lead agency shall conduct an*  
 17 *informational workshop to inform the public of the key analyses*  
 18 *and conclusions of that report.*

19 *(b) Within 10 days before the close of the public comment*  
 20 *period, the lead agency shall hold a public hearing to receive*  
 21 *testimony on the draft environmental impact report. A transcript*  
 22 *of the hearing shall be included as an appendix to the final*  
 23 *environmental impact report.*

24 *(c) (1) Within five days following the close of the public*  
 25 *comment period, a commenter on the draft environmental impact*  
 26 *report may submit to the lead agency a written request for*  
 27 *nonbinding mediation. The lead agency shall participate in*  
 28 *nonbinding mediation with all commenters who submitted timely*  
 29 *comments on the draft environmental impact report and who*  
 30 *requested the mediation. Mediation conducted pursuant to this*  
 31 *paragraph shall end no later than 35 days after the close of the*  
 32 *public comment period.*

33 *(2) A request for mediation shall identify all areas of dispute*  
 34 *raised in the comment submitted by the commenter that are to be*  
 35 *mediated.*

36 *(3) The lead agency shall select one or more mediators who*  
 37 *shall be retired judges or recognized experts with at least five*  
 38 *years experience in land use and environmental law or science,*  
 39 *or mediation.*

1     (4) A mediation session shall be conducted on each area of  
2     dispute with the parties requesting mediation on that area of  
3     dispute.

4     (5) The lead agency shall adopt, as a condition of approval,  
5     any measures agreed upon by the lead agency and any commenter  
6     who requested mediation. A commenter who agrees to a measure  
7     pursuant to this subparagraph shall not raise the issue addressed  
8     by that measure as a basis for an action or proceeding challenging  
9     the lead agency's decision to certify the environmental impact  
10    report or to grant one or more initial project approvals.

11    (d) The lead agency need not consider written comments  
12    submitted after the close of the public comment period, unless  
13    those comments address any of the following:

14    (1) New issues raised in the response to comments by the lead  
15    agency.

16    (2) New information released by the public agency subsequent  
17    to the release of the draft environmental impact report, such as  
18    new information set forth or embodied in a staff report, proposed  
19    permit, proposed resolution, ordinance, or similar documents.

20    (3) Changes made to the project after the close of the public  
21    comment period.

22    (4) Proposed conditions for approval, mitigation measures, or  
23    proposed findings required by Section 21081 or a proposed  
24    reporting and monitoring program required by paragraph (1) of  
25    subdivision (a) of Section 21081.6, where the lead agency releases  
26    those documents subsequent to the release of the draft  
27    environmental impact report.

28    (5) New information that was not reasonably known and could  
29    not have been reasonably known during the public comment period.

30    21189.56. The provisions of this chapter are severable. If any  
31    provision of this chapter or its application is held to be invalid,  
32    that invalidity shall not affect any other provision or application  
33    that can be given effect without the invalid provision or application.

34    21189.57. Except as otherwise provided expressly in this  
35    chapter, nothing in this chapter affects the duty of any party to  
36    comply with this division.

37    SEC. 272. Section 30171.2 of the Public Resources Code is  
38    amended to read:

39    30171.2. (a) Except as provided in subdivision (b), on and  
40    after January 1, 1985, no agricultural conversion fees may be levied

1 or collected under the agricultural subsidy program provided in  
2 the local coastal program of the City of Carlsbad that was adopted  
3 and certified pursuant to Section 30171. All other provisions of  
4 that program shall continue to be operative, including the right to  
5 develop designated areas as provided in the program.

6 (b) This section shall not affect any right or obligation under  
7 any agreement or contract entered into prior to January 1, 1985,  
8 pursuant to that agricultural subsidy program, including the  
9 payment of any fees and the right of development in accordance  
10 with the provisions of the agreement or contract. As to these  
11 properties, the agricultural subsidy fees in existence as of December  
12 31, 1984, shall be paid and allocated within the City of Carlsbad,  
13 or on projects outside the city that benefit agricultural programs  
14 within the city, in accordance with the provisions of the agricultural  
15 subsidy program as it existed on September 30, 1984.

16 (c) Any agricultural conversion fees collected pursuant to the  
17 agricultural subsidy program and not deposited in the agricultural  
18 improvement fund in accordance with the local coastal program  
19 or that have not been expended in the form of agricultural subsidies  
20 assigned to landowners by the local coastal program land use policy  
21 plan on January 1, 1985, shall be used by the ~~California Victim~~  
22 ~~Compensation and Government Claims Board~~ *Department of*  
23 *General Services* to reimburse the party that paid the fees if no  
24 agreements or contracts have been entered into or to the original  
25 parties to the agreements or contracts referred to in subdivision  
26 (b) in proportion to the amount of fees paid by the parties.  
27 However, if the property subject to the fee was under option at the  
28 time that the original agreement or contract was entered into and  
29 the optionee was a party to the agricultural subsidy agreement,  
30 payments allocable to that property shall be paid to the optionee  
31 in the event the optionee has exercised the option. Reimbursements  
32 under this section shall be paid within 90 days after January 1,  
33 1985, or payment of the fee, whichever occurs later, and only after  
34 waiver by the party being reimbursed of any potential legal rights  
35 resulting from enactment of this section.

36 (d) (1) Any person entitled to reimbursement of fees under  
37 subdivision (c) shall file a claim with the ~~California Victim~~  
38 ~~Compensation and Government Claims Board~~, *Department of*  
39 *General Services*, which shall determine the validity of the claim  
40 and pay that person a pro rata share based on the relative amounts

1 of fees paid under the local coastal program or any agreement or  
2 contract entered pursuant thereto.

3 (2) There is hereby appropriated to the ~~California Victim~~  
4 ~~Compensation and Government Claims Board~~ *Department of*  
5 *General Services* the fees referred to in subdivision (c), for the  
6 purpose of making refunds under this section.

7 (e) Notwithstanding any geographical limitation contained in  
8 this division, funds deposited pursuant to subdivision (b) may be  
9 expended for physical or institutional development improvements  
10 needed to facilitate long-term agricultural production within the  
11 City of Carlsbad. These funds may be used to construct  
12 improvements outside the coastal zone boundaries in San Diego  
13 County if the improvements are not inconsistent with the Carlsbad  
14 local coastal program and the State Coastal Conservancy  
15 determines that the improvements will benefit agricultural  
16 production within the coastal zone of the City of Carlsbad.

17 *SEC. 273. Section 17059.2 of the Revenue and Taxation Code*  
18 *is amended to read:*

19 17059.2. (a) (1) For each taxable year beginning on and after  
20 January 1, 2014, and before January 1, 2025, there shall be allowed  
21 as a credit against the “net tax,” as defined in Section 17039, an  
22 amount as determined by the committee pursuant to paragraph (2)  
23 and approved pursuant to Section 18410.2.

24 (2) The credit under this section shall be allocated by GO-Biz  
25 with respect to the 2013–14 fiscal year through and including the  
26 2017–18 fiscal year. The amount of credit allocated to a taxpayer  
27 with respect to a fiscal year pursuant to this section shall be as set  
28 forth in a written agreement between GO-Biz and the taxpayer and  
29 shall be based on the following factors:

30 (A) The number of jobs the taxpayer will create or retain in this  
31 state.

32 (B) The compensation paid or proposed to be paid by the  
33 taxpayer to its employees, including wages and fringe benefits.

34 (C) The amount of investment in this state by the taxpayer.

35 (D) The extent of unemployment or poverty in the area  
36 according to the United States Census in which the taxpayer’s  
37 project or business is proposed or located.

38 (E) The incentives available to the taxpayer in this state,  
39 including incentives from the state, local government, and other  
40 entities.



1 (F) The incentives available to the taxpayer in other states.

2 (G) The duration of the proposed project and the duration the  
3 taxpayer commits to remain in this state.

4 (H) The overall economic impact in this state of the taxpayer's  
5 project or business.

6 (I) The strategic importance of the taxpayer's project or business  
7 to the state, region, or locality.

8 (J) The opportunity for future growth and expansion in this state  
9 by the taxpayer's business.

10 (K) The extent to which the anticipated benefit to the state  
11 exceeds the projected benefit to the taxpayer from the tax credit.

12 (3) The written agreement entered into pursuant to paragraph  
13 (2) shall include:

14 (A) Terms and conditions that include the taxable year or years  
15 for which the credit allocated shall be allowed, a minimum  
16 compensation level, and a minimum job retention period.

17 (B) Provisions indicating whether the credit is to be allocated  
18 in full upon approval or in increments based on mutually agreed  
19 upon milestones when satisfactorily met by the taxpayer.

20 (C) Provisions that allow the committee to recapture the credit,  
21 in whole or in part, if the taxpayer fails to fulfill the terms and  
22 conditions of the written agreement.

23 (b) For purposes of this section:

24 (1) "Committee" means the California Competes Tax Credit  
25 Committee established pursuant to Section 18410.2.

26 (2) "GO-Biz" means the Governor's Office of Business and  
27 Economic Development.

28 (c) For purposes of this section, GO-Biz shall do the following:

29 (1) Give priority to a taxpayer whose project or business is  
30 located or proposed to be located in an area of high unemployment  
31 or poverty.

32 (2) Negotiate with a taxpayer the terms and conditions of  
33 proposed written agreements that provide the credit allowed  
34 pursuant to this section to a taxpayer.

35 (3) Provide the negotiated written agreement to the committee  
36 for its approval pursuant to Section 18410.2.

37 (4) Inform the Franchise Tax Board of the terms and conditions  
38 of the written agreement upon approval of the written agreement  
39 by the committee.

1 (5) Inform the Franchise Tax Board of any recapture, in whole  
2 or in part, of a previously allocated credit upon approval of the  
3 recapture by the committee.

4 (6) Post on its Internet Web site all of the following:

5 (A) The name of each taxpayer allocated a credit pursuant to  
6 this section.

7 (B) The estimated amount of the investment by each taxpayer.

8 (C) The estimated number of jobs created or retained.

9 (D) The amount of the credit allocated to the taxpayer.

10 (E) The amount of the credit recaptured from the taxpayer, if  
11 applicable.

12 (7) *When determining whether to enter into a written agreement*  
13 *with a taxpayer pursuant to this section, GO-Biz may consider*  
14 *other factors, including, but not limited to, the following:*

15 (A) *The financial solvency of the taxpayer and the taxpayer's*  
16 *ability to finance its proposed expansion.*

17 (B) *The taxpayer's current and prior compliance with federal*  
18 *and state laws.*

19 (C) *Current and prior litigation involving the taxpayer.*

20 (D) *The reasonableness of the fee arrangement between the*  
21 *taxpayer and any third party providing any services related to the*  
22 *credit allowed pursuant to this section.*

23 (E) *Any other factors GO-Biz deems necessary to ensure that*  
24 *the administration of the credit allowed pursuant to this section*  
25 *is a model of accountability and transparency and that the effective*  
26 *use of the limited amount of credit available is maximized.*

27 (d) For purposes of this section, the Franchise Tax Board shall  
28 do all of the following:

29 (1) (A) Except as provided in subparagraph (B), review the  
30 books and records of all taxpayers allocated a credit pursuant to  
31 this section to ensure compliance with the terms and conditions  
32 of the written agreement between the taxpayer and GO-Biz.

33 (B) In the case of a taxpayer that is a "small business," as  
34 defined in Section 17053.73, review the books and records of the  
35 taxpayer allocated a credit pursuant to this section to ensure  
36 compliance with the terms and conditions of the written agreement  
37 between the taxpayer and GO-Biz when, in the sole discretion of  
38 the Franchise Tax Board, a review of those books and records is  
39 appropriate or necessary in the best interests of the state.

40 (2) Notwithstanding Section 19542:

1 (A) Notify GO-Biz of a possible breach of the written agreement  
2 by a taxpayer and provide detailed information regarding the basis  
3 for that determination.

4 (B) Provide information to GO-Biz with respect to whether a  
5 taxpayer is a “small business,” as defined in Section 17053.73.

6 (e) In the case where the credit allowed under this section  
7 exceeds the “net tax,” as defined in Section 17039, for a taxable  
8 year, the excess credit may be carried over to reduce the “net tax”  
9 in the following taxable year, and succeeding five taxable years,  
10 if necessary, until the credit has been exhausted.

11 (f) Any recapture, in whole or in part, of a credit approved by  
12 the committee pursuant to Section 18410.2 shall be treated as a  
13 mathematical error appearing on the return. Any amount of tax  
14 resulting from that recapture shall be assessed by the Franchise  
15 Tax Board in the same manner as provided by Section 19051. The  
16 amount of tax resulting from the recapture shall be added to the  
17 tax otherwise due by the taxpayer for the taxable year in which  
18 the committee’s recapture determination occurred.

19 (g) (1) The aggregate amount of credit that may be allocated  
20 in any fiscal year pursuant to this section and Section 23689 shall  
21 be an amount equal to the sum of subparagraphs (A), (B), and (C),  
22 less the amount specified in subparagraphs (D) and (E):

23 (A) Thirty million dollars (\$30,000,000) for the 2013–14 fiscal  
24 year, one hundred fifty million dollars (\$150,000,000) for the  
25 2014–15 fiscal year, and two hundred million dollars  
26 (\$200,000,000) for each fiscal year from 2015–16 to 2017–18,  
27 inclusive.

28 (B) The unallocated credit amount, if any, from the preceding  
29 fiscal year.

30 (C) The amount of any previously allocated credits that have  
31 been recaptured.

32 (D) The amount estimated by the Director of Finance, in  
33 consultation with the Franchise Tax Board and the State Board of  
34 Equalization, to be necessary to limit the aggregation of the  
35 estimated amount of exemptions claimed pursuant to Section  
36 6377.1 and of the amounts estimated to be claimed pursuant to  
37 this section and Sections 17053.73, 23626, and 23689 to no more  
38 than seven hundred fifty million dollars (\$750,000,000) for either  
39 the current fiscal year or the next fiscal year.

(i) The Director of Finance shall notify the Chairperson of the Joint Legislative Budget Committee of the estimated annual allocation authorized by this paragraph. Any allocation pursuant to these provisions shall be made no sooner than 30 days after written notification has been provided to the Chairperson of the Joint Legislative Budget Committee and the chairpersons of the committees of each house of the Legislature that consider appropriation, or not sooner than whatever lesser time the Chairperson of the Joint Legislative Budget Committee, or his or her designee, may determine.

(ii) In no event shall the amount estimated in this subparagraph be less than zero dollars (\$0).

(E) (i) For the 2015–16 fiscal year and each fiscal year thereafter, the amount of credit estimated by the Director of Finance to be allowed to all qualified taxpayers for that fiscal year pursuant to subparagraph (A) or subparagraph (B) of paragraph (1) of subdivision (c) of Section 23636.

(ii) If the amount available per fiscal year pursuant to this section and Section 23689 is less than the aggregate amount of credit estimated by the Director of Finance to be allowed to qualified taxpayers pursuant to subparagraph (A) or subparagraph (B) of paragraph (1) of subdivision (c) of Section 23636, the aggregate amount allowed pursuant to Section 23636 shall not be reduced and, in addition to the reduction required by clause (i), the aggregate amount of credit that may be allocated pursuant to this section and Section 23689 for the next fiscal year shall be reduced by the amount of that deficit.

(iii) It is the intent of the Legislature that the reductions specified in this subparagraph of the aggregate amount of credit that may be allocated pursuant to this section and Section 23689 shall continue if the repeal dates of the credits allowed by this section and Section 23689 are removed or extended.

(2) (A) In addition to the other amounts determined pursuant to paragraph (1), the Director of Finance may increase the aggregate amount of credit that may be allocated pursuant to this section and Section 23689 by up to twenty-five million dollars (\$25,000,000) per fiscal year through the 2017–18 fiscal year. The amount of any increase made pursuant to this paragraph, when combined with any increase made pursuant to paragraph (2) of subdivision (g) of Section 23689, shall not exceed twenty-five

1 million dollars (\$25,000,000) per fiscal year through the 2017–18  
2 fiscal year.

3 (B) It is the intent of the Legislature that the Director of Finance  
4 increase the aggregate amount under subparagraph (A) in order to  
5 mitigate the reduction of the amount available due to the credit  
6 allowed to all qualified taxpayers pursuant to subparagraph (A) or  
7 (B) of paragraph (1) of subdivision (c) of Section 23636.

8 (3) Each fiscal year, 25 percent of the aggregate amount of the  
9 credit that may be allocated pursuant to this section and Section  
10 23689 shall be reserved for small business, as defined in Section  
11 17053.73 or 23626.

12 (4) Each fiscal year, no more than 20 percent of the aggregate  
13 amount of the credit that may be allocated pursuant to this section  
14 shall be allocated to any one taxpayer.

15 (h) GO-Biz may prescribe rules and regulations as necessary to  
16 carry out the purposes of this section. Any rule or regulation  
17 prescribed pursuant to this section may be by adoption of an  
18 emergency regulation in accordance with Chapter 3.5 (commencing  
19 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
20 Government Code.

21 (i) A written agreement between GO-Biz and a taxpayer with  
22 respect to the credit authorized by this section shall comply with  
23 existing law on the date the agreement is executed.

24 (j) (1) Upon the effective date of this section, the Department  
25 of Finance shall estimate the total dollar amount of credits that  
26 will be claimed under this section with respect to each fiscal year  
27 from the 2013–14 fiscal year to the 2024–25 fiscal year, inclusive.

28 (2) The Franchise Tax Board shall annually provide to the Joint  
29 Legislative Budget Committee, by no later than March 1, a report  
30 of the total dollar amount of the credits claimed under this section  
31 with respect to the relevant fiscal year. The report shall compare  
32 the total dollar amount of credits claimed under this section with  
33 respect to that fiscal year with the department's estimate with  
34 respect to that same fiscal year. If the total dollar amount of credits  
35 claimed for the fiscal year is less than the estimate for that fiscal  
36 year, the report shall identify options for increasing annual claims  
37 of the credit so as to meet estimated amounts.

38 (k) This section is repealed on December 1, 2025.

39 *SEC. 274. Section 23636 of the Revenue and Taxation Code*  
40 *is amended to read:*

23636. (a) For each taxable year beginning on or after January 1, ~~2015~~, 2016, and before January 1, ~~2030~~, 2031, a qualified taxpayer shall be allowed a credit against the “tax,” as defined in Section 23036, in an amount equal to 17½ percent of qualified wages paid or incurred by the qualified taxpayer during the taxable year to qualified full-time employees, subject to the limitations under subdivision (c).

(b) For purposes of this section:

(1) “Annual full-time equivalent” means either of the following:

(A) In the case of a qualified full-time employee paid hourly wages, “annual full-time equivalent” means the total number of hours worked for the qualified taxpayer by the qualified full-time employee, not to exceed 2,000 hours per employee, divided by 2,000.

(B) In the case of a salaried qualified full-time employee, “annual full-time equivalent” means the total number of weeks worked for the qualified taxpayer by the qualified employee divided by 52.

(2) “Qualified full-time employee” means an individual that is employed in this state by the qualified taxpayer and satisfies both of the following:

(A) The individual’s services for the qualified taxpayer are performed in this state and are at least 80 percent directly related to the qualified taxpayer’s prime contract or subcontract to design, test, manufacture property, or otherwise support production of property for ultimate use in or as a component of a new advanced strategic aircraft for the United States Air Force.

(B) The individual is paid compensation from the qualified taxpayer that satisfies either of the following conditions:

(i) Is paid qualified wages by the qualified taxpayer for services not less than an average of 35 hours per week.

(ii) Is paid a salary by the qualified taxpayer as compensation during the taxable year for full-time employment, within the meaning of Section 515 of the Labor Code.

(3) “Qualified taxpayer” means any taxpayer that is either a prime contractor awarded a prime contract or a major first-tier subcontractor awarded a subcontract to manufacture property for ultimate use in or as a component of a new advanced strategic aircraft for the United States Air Force. For purposes of this paragraph, the term “prime contractor” means a contractor that

was awarded a prime contract for the manufacturing of a new advanced strategic aircraft for the United States Air Force. For purposes of this paragraph, the term “major first-tier subcontractor” means a subcontractor that was awarded a subcontract in an amount of at least 35 percent of the amount of the initial prime contract awarded for the manufacturing of a new advanced strategic aircraft for the United States Air Force.

(4) “Qualified wages” means wages paid or incurred by the qualified taxpayer during the taxable year with respect to qualified full-time employees that are direct labor costs, within the meaning of Section 263A of the Internal Revenue Code, relating to capitalization and inclusion in inventory costs of certain expenses, allocable to property manufactured in this state by the qualified taxpayer for ultimate use in or as a component of a new advanced strategic aircraft for the United States Air Force.

(5) “New advanced strategic aircraft for the United States Air Force” means a new advanced strategic aircraft developed and produced for the United States Air Force under the New Advanced Strategic Aircraft Program.

(6) “New Advanced Strategic Aircraft Program” means the project to design, test, manufacture, or otherwise support production of a new advanced strategic aircraft for the United States Air Force under a contract that is expected to be awarded in the first or second calendar quarter of 2015. “New Advanced Strategic Aircraft Program” does not include any contract awarded prior to August 1, 2014, and does not include a program to upgrade, modernize, sustain, or otherwise modify a current United States Air Force bomber program, including, but not limited to, the B-52, B-1, or B-2 programs.

(7) “Total annual full-time equivalents” means the number of a qualified taxpayer’s qualified full-time employees computed on an annual full-time equivalent basis for the taxable year.

(c) (1) The total aggregate amount of the credit that may be allowed to all qualified taxpayers pursuant to this section shall be as follows:

(A) In years one through five of the credit, the total aggregate amount of the credit that may be allowed to all qualified taxpayers pursuant to this section shall not exceed twenty- five million dollars (\$25,000,000) per calendar year.

1 (B) In years 6 through 10 of the credit, the total aggregate  
2 amount of the credit that may be allowed to all qualified taxpayers  
3 pursuant to this section shall not exceed twenty-eight million  
4 dollars (\$28,000,000) per calendar year.

5 (C) In years 11 through 15 of the credit, the total aggregate  
6 amount of the credit that may be allowed to all qualified taxpayers  
7 pursuant to this section shall not exceed thirty-one million dollars  
8 (\$31,000,000) per calendar year.

9 (2) The aggregate number of total annual full-time equivalents  
10 of all qualified taxpayers with respect to which a credit amount  
11 may be allowed under this section for a calendar year shall not  
12 exceed 1,100.

13 (3) (A) The Franchise Tax Board shall allocate the credit to the  
14 qualified taxpayers on a first-come-first-served basis, determined  
15 by the date the qualified taxpayer's timely filed original tax return  
16 is received by the Franchise Tax Board. If the returns of two or  
17 more qualified taxpayers are received on the same day and the  
18 amount of credit remaining to be allocated is insufficient to be  
19 allocated fully to each, the credit remaining shall be allocated to  
20 those qualified taxpayers on a pro rata basis.

21 (B) For purposes of this paragraph, the date a return is received  
22 shall be determined by the Franchise Tax Board. The determination  
23 of the Franchise Tax Board as to the date a return is received and  
24 whether a return has been timely filed for purposes of this  
25 paragraph may not be reviewed in any administrative or judicial  
26 proceeding.

27 (C) Any disallowance of a credit claimed due to the limitations  
28 specified in this subdivision shall be treated as a mathematical  
29 error appearing on the return. Any amount of tax resulting from  
30 that disallowance may be assessed by the Franchise Tax Board in  
31 the same manner as provided in Section 19051.

32 (4) The credit allowed under this section must be claimed on a  
33 timely filed original return.

34 (d) In the case where the credit allowed by this section exceeds  
35 the "tax," the excess may be carried over to reduce the "tax" in  
36 the following year, and the seven succeeding years if necessary,  
37 until the credit is exhausted.

38 (e) A credit shall not be allowed unless the credit was reflected  
39 within the bid upon which the qualified taxpayer's prime contract  
40 or subcontract to manufacture property for ultimate use in or as a



1 component of a New Advanced Strategic Aircraft Program is based  
2 by reducing the amount of the bid by a good faith estimate of the  
3 amount of the credit allowable under this section.

4 (f) All references to the credit and ultimate cost reductions  
5 incorporated into any successful bid that was awarded a prime  
6 contract or subcontract and for which a qualified taxpayer is  
7 making a claim shall be made available to the Franchise Tax Board  
8 upon request.

9 (g) If the qualified taxpayer is allowed a credit pursuant to this  
10 section for qualified wages paid or incurred, only one credit shall  
11 be allowed to the taxpayer under this part with respect to any wage  
12 consisting in whole or in part of those qualified wages.

13 (h) (1) The Franchise Tax Board may prescribe regulations  
14 necessary or appropriate to carry out the purposes of this section.

15 (2) The Franchise Tax Board may also prescribe rules,  
16 guidelines, or procedures necessary or appropriate to carry out the  
17 purposes of this section. Chapter 3.5 (commencing with Section  
18 11340) of Part 1 of Division 3 of Title 2 of the Government Code  
19 shall not apply to any rule, guideline, or procedure prescribed by  
20 the Franchise Tax Board pursuant to this section.

21 (i) This section shall remain in effect only until December 1,  
22 2030, 2031, and as of that date is repealed.

23 *SEC. 275. Section 23689 of the Revenue and Taxation Code*  
24 *is amended to read:*

25 23689. (a) (1) For each taxable year beginning on and after  
26 January 1, 2014, and before January 1, 2025, there shall be allowed  
27 as a credit against the “tax,” as defined in Section 23036, an amount  
28 as determined by the committee pursuant to paragraph (2) and  
29 approved pursuant to Section 18410.2.

30 (2) The credit under this section shall be allocated by GO-Biz  
31 with respect to the 2013–14 fiscal year through and including the  
32 2017–18 fiscal year. The amount of credit allocated to a taxpayer  
33 with respect to a fiscal year pursuant to this section shall be as set  
34 forth in a written agreement between GO-Biz and the taxpayer and  
35 shall be based on the following factors:

36 (A) The number of jobs the taxpayer will create or retain in this  
37 state.

38 (B) The compensation paid or proposed to be paid by the  
39 taxpayer to its employees, including wages and fringe benefits.

40 (C) The amount of investment in this state by the taxpayer.

1 (D) The extent of unemployment or poverty in the area  
2 according to the United States Census in which the taxpayer's  
3 project or business is proposed or located.

4 (E) The incentives available to the taxpayer in this state,  
5 including incentives from the state, local government, and other  
6 entities.

7 (F) The incentives available to the taxpayer in other states.

8 (G) The duration of the proposed project and the duration the  
9 taxpayer commits to remain in this state.

10 (H) The overall economic impact in this state of the taxpayer's  
11 project or business.

12 (I) The strategic importance of the taxpayer's project or business  
13 to the state, region, or locality.

14 (J) The opportunity for future growth and expansion in this state  
15 by the taxpayer's business.

16 (K) The extent to which the anticipated benefit to the state  
17 exceeds the projected benefit to the taxpayer from the tax credit.

18 (3) The written agreement entered into pursuant to paragraph  
19 (2) shall include:

20 (A) Terms and conditions that include the taxable year or years  
21 for which the credit allocated shall be allowed, a minimum  
22 compensation level, and a minimum job retention period.

23 (B) Provisions indicating whether the credit is to be allocated  
24 in full upon approval or in increments based on mutually agreed  
25 upon milestones when satisfactorily met by the taxpayer.

26 (C) Provisions that allow the committee to recapture the credit,  
27 in whole or in part, if the taxpayer fails to fulfill the terms and  
28 conditions of the written agreement.

29 (b) For purposes of this section:

30 (1) "Committee" means the California Competes Tax Credit  
31 Committee established pursuant to Section 18410.2.

32 (2) "GO-Biz" means the Governor's Office of Business and  
33 Economic Development.

34 (c) For purposes of this section, GO-Biz shall do the following:

35 (1) Give priority to a taxpayer whose project or business is  
36 located or proposed to be located in an area of high unemployment  
37 or poverty.

38 (2) Negotiate with a taxpayer the terms and conditions of  
39 proposed written agreements that provide the credit allowed  
40 pursuant to this section to a taxpayer.

1 (3) Provide the negotiated written agreement to the committee  
2 for its approval pursuant to Section 18410.2.

3 (4) Inform the Franchise Tax Board of the terms and conditions  
4 of the written agreement upon approval of the written agreement  
5 by the committee.

6 (5) Inform the Franchise Tax Board of any recapture, in whole  
7 or in part, of a previously allocated credit upon approval of the  
8 recapture by the committee.

9 (6) Post on its Internet Web site all of the following:

10 (A) The name of each taxpayer allocated a credit pursuant to  
11 this section.

12 (B) The estimated amount of the investment by each taxpayer.

13 (C) The estimated number of jobs created or retained.

14 (D) The amount of the credit allocated to the taxpayer.

15 (E) The amount of the credit recaptured from the taxpayer, if  
16 applicable.

17 (7) *When determining whether to enter into a written agreement*  
18 *with a taxpayer pursuant to this section, GO-Biz may consider*  
19 *other factors, including, but not limited to, the following:*

20 (A) *The financial solvency of the taxpayer and the taxpayer's*  
21 *ability to finance its proposed expansion.*

22 (B) *The taxpayer's current and prior compliance with federal*  
23 *and state laws.*

24 (C) *Current and prior litigation involving the taxpayer.*

25 (D) *The reasonableness of the fee arrangement between the*  
26 *taxpayer and any third party providing any services related to the*  
27 *credit allowed pursuant to this section.*

28 (E) *Any other factors GO-Biz deems necessary to ensure that*  
29 *the administration of the credit allowed pursuant to this section*  
30 *is a model of accountability and transparency and that the effective*  
31 *use of the limited amount of credit available is maximized.*

32 (d) For purposes of this section, the Franchise Tax Board shall  
33 do all of the following:

34 (1) (A) Except as provided in subparagraph (B), review the  
35 books and records of all taxpayers allocated a credit pursuant to  
36 this section to ensure compliance with the terms and conditions  
37 of the written agreement between the taxpayer and GO-Biz.

38 (B) In the case of a taxpayer that is a "small business," as  
39 defined in Section 23626, review the books and records of the  
40 taxpayer allocated a credit pursuant to this section to ensure

1 compliance with the terms and conditions of the written agreement  
2 between the taxpayer and GO-Biz when, in the sole discretion of  
3 the Franchise Tax Board, a review of those books and records is  
4 appropriate or necessary in the best interests of the state.

5 (2) Notwithstanding Section 19542:

6 (A) Notify GO-Biz of a possible breach of the written agreement  
7 by a taxpayer and provide detailed information regarding the basis  
8 for that determination.

9 (B) Provide information to GO-Biz with respect to whether a  
10 taxpayer is a “small business,” as defined in Section 23626.

11 (e) In the case where the credit allowed under this section  
12 exceeds the “tax,” as defined in Section 23036, for a taxable year,  
13 the excess credit may be carried over to reduce the “tax” in the  
14 following taxable year, and succeeding five taxable years, if  
15 necessary, until the credit has been exhausted.

16 (f) Any recapture, in whole or in part, of a credit approved by  
17 the committee pursuant to Section 18410.2 shall be treated as a  
18 mathematical error appearing on the return. Any amount of tax  
19 resulting from that recapture shall be assessed by the Franchise  
20 Tax Board in the same manner as provided by Section 19051. The  
21 amount of tax resulting from the recapture shall be added to the  
22 tax otherwise due by the taxpayer for the taxable year in which  
23 the committee’s recapture determination occurred.

24 (g) (1) The aggregate amount of credit that may be allocated  
25 in any fiscal year pursuant to this section and Section 17059.2 shall  
26 be an amount equal to the sum of subparagraphs (A), (B), and (C),  
27 less the amount specified in subparagraphs (D) and (E):

28 (A) Thirty million dollars (\$30,000,000) for the 2013–14 fiscal  
29 year, one hundred fifty million dollars (\$150,000,000) for the  
30 2014–15 fiscal year, and two hundred million dollars  
31 (\$200,000,000) for each fiscal year from 2015–16 to 2017–18,  
32 inclusive.

33 (B) The unallocated credit amount, if any, from the preceding  
34 fiscal year.

35 (C) The amount of any previously allocated credits that have  
36 been recaptured.

37 (D) The amount estimated by the Director of Finance, in  
38 consultation with the Franchise Tax Board and the State Board of  
39 Equalization, to be necessary to limit the aggregation of the  
40 estimated amount of exemptions claimed pursuant to Section

1 6377.1 and of the amounts estimated to be claimed pursuant to  
2 this section and Sections 17053.73, 17059.2, and 23626 to no more  
3 than seven hundred fifty million dollars (\$750,000,000) for either  
4 the current fiscal year or the next fiscal year.

5 (i) The Director of Finance shall notify the Chairperson of the  
6 Joint Legislative Budget Committee of the estimated annual  
7 allocation authorized by this paragraph. Any allocation pursuant  
8 to these provisions shall be made no sooner than 30 days after  
9 written notification has been provided to the Chairperson of the  
10 Joint Legislative Budget Committee and the chairpersons of the  
11 committees of each house of the Legislature that consider  
12 appropriation, or not sooner than whatever lesser time the  
13 Chairperson of the Joint Legislative Budget Committee, or his or  
14 her designee, may determine.

15 (ii) In no event shall the amount estimated in this subparagraph  
16 be less than zero dollars (\$0).

17 (E) (i) For the 2015–16 fiscal year and each fiscal year  
18 thereafter, the amount of credit estimated by the Director of Finance  
19 to be allowed to all qualified taxpayers for that fiscal year pursuant  
20 to subparagraph (A) or subparagraph (B) of paragraph (1) of  
21 subdivision (c) of Section 23636.

22 (ii) If the amount available per fiscal year pursuant to this section  
23 and Section 17059.2 is less than the aggregate amount of credit  
24 estimated by the Director of Finance to be allowed to qualified  
25 taxpayers pursuant to subparagraph (A) or subparagraph (B) of  
26 paragraph (1) of subdivision (c) of Section 23636, the aggregate  
27 amount allowed pursuant to Section 23636 shall not be reduced  
28 and, in addition to the reduction required by clause (i), the  
29 aggregate amount of credit that may be allocated pursuant to this  
30 section and Section 17059.2 for the next fiscal year shall be reduced  
31 by the amount of that deficit.

32 (iii) It is the intent of the Legislature that the reductions specified  
33 in this subparagraph of the aggregate amount of credit that may  
34 be allocated pursuant to this section and Section 17059.2 shall  
35 continue if the repeal dates of the credits allowed by this section  
36 and Section 17059.2 are removed or extended.

37 (2) (A) In addition to the other amounts determined pursuant  
38 to paragraph (1), the Director of Finance may increase the  
39 aggregate amount of credit that may be allocated pursuant to this  
40 section and Section 17059.2 by up to twenty-five million dollars

1 (\$25,000,000) per fiscal year through the 2017–18 fiscal year. The  
2 amount of any increase made pursuant to this paragraph, when  
3 combined with any increase made pursuant to paragraph (2) of  
4 subdivision (g) of Section 17059.2, shall not exceed twenty-five  
5 million dollars (\$25,000,000) per fiscal year through the 2017–18  
6 fiscal year.

7 (B) It is the intent of the Legislature that the Director of Finance  
8 increase the aggregate amount under subparagraph (A) in order to  
9 mitigate the reduction of the amount available due to the credit  
10 allowed to all qualified taxpayers pursuant to subparagraph (A) or  
11 (B) of paragraph (1) of subdivision (c) of Section 23636.

12 (3) Each fiscal year, 25 percent of the aggregate amount of the  
13 credit that may be allocated pursuant to this section and Section  
14 17059.2 shall be reserved for “small business,” as defined in  
15 Section 17053.73 or 23626.

16 (4) Each fiscal year, no more than 20 percent of the aggregate  
17 amount of the credit that may be allocated pursuant to this section  
18 shall be allocated to any one taxpayer.

19 (h) GO-Biz may prescribe rules and regulations as necessary to  
20 carry out the purposes of this section. Any rule or regulation  
21 prescribed pursuant to this section may be by adoption of an  
22 emergency regulation in accordance with Chapter 3.5 (commencing  
23 with Section 11340) of Part 1 of Division 3 of Title 2 of the  
24 Government Code.

25 (i) (1) A written agreement between GO-Biz and a taxpayer  
26 with respect to the credit authorized by this section shall not  
27 restrict, broaden, or otherwise alter the ability of the taxpayer to  
28 assign that credit or any portion thereof in accordance with Section  
29 23663.

30 (2) A written agreement between GO-Biz and a taxpayer with  
31 respect to the credit authorized by this section must comply with  
32 existing law on the date the agreement is executed.

33 (j) (1) Upon the effective date of this section, the Department  
34 of Finance shall estimate the total dollar amount of credits that  
35 will be claimed under this section with respect to each fiscal year  
36 from the 2013–14 fiscal year to the 2024–25 fiscal year, inclusive.

37 (2) The Franchise Tax Board shall annually provide to the Joint  
38 Legislative Budget Committee, by no later than March 1, a report  
39 of the total dollar amount of the credits claimed under this section  
40 with respect to the relevant fiscal year. The report shall compare

1 the total dollar amount of credits claimed under this section with  
2 respect to that fiscal year with the department's estimate with  
3 respect to that same fiscal year. If the total dollar amount of credits  
4 claimed for the fiscal year is less than the estimate for that fiscal  
5 year, the report shall identify options for increasing annual claims  
6 of the credit so as to meet estimated amounts.

7 (k) This section is repealed on December 1, 2025.

8 *SEC. 276. Section 30162 of the Streets and Highways Code is*  
9 *amended to read:*

10 30162. If the department is unable to collect any tolls due to  
11 insolvency of the obligor, or if the cost of collection of any tolls  
12 would be excessive by reason of the smallness of the amount due,  
13 the department may apply to the ~~California Victim Compensation~~  
14 ~~and Government Claims Board~~ *Controller* for discharge from  
15 accountability for the collection thereof in the manner provided  
16 in Sections 13940 to 13943, inclusive, of the Government Code.

17 *SEC. 277. Section 1095 of the Unemployment Insurance Code*  
18 *is amended to read:*

19 1095. The director shall permit the use of any information in  
20 his or her possession to the extent necessary for any of the  
21 following purposes and may require reimbursement for all direct  
22 costs incurred in providing any and all information specified in  
23 this section, except information specified in subdivisions (a) to  
24 (e), inclusive:

25 (a) To enable the director or his or her representative to carry  
26 out his or her responsibilities under this code.

27 (b) To properly present a claim for benefits.

28 (c) To acquaint a worker or his or her authorized agent with his  
29 or her existing or prospective right to benefits.

30 (d) To furnish an employer or his or her authorized agent with  
31 information to enable him or her to fully discharge his or her  
32 obligations or safeguard his or her rights under this division or  
33 Division 3 (commencing with Section 9000).

34 (e) To enable an employer to receive a reduction in contribution  
35 rate.

36 (f) To enable federal, state, or local governmental departments  
37 or agencies, subject to federal law, to verify or determine the  
38 eligibility or entitlement of an applicant for, or a recipient of, public  
39 social services provided pursuant to Division 9 (commencing with  
40 Section 10000) of the Welfare and Institutions Code, or Part A of

1 ~~Title~~ *Subchapter* IV of the federal Social Security Act (42 U.S.C.  
2 Sec. 601 et seq.), when the verification or determination is directly  
3 connected with, and limited to, the administration of public social  
4 services.

5 (g) To enable county administrators of general relief or  
6 assistance, or their representatives, to determine entitlement to  
7 locally provided general relief or assistance, when the  
8 determination is directly connected with, and limited to, the  
9 administration of general relief or assistance.

10 (h) To enable state or local governmental departments or  
11 agencies to seek criminal, civil, or administrative remedies in  
12 connection with the unlawful application for, or receipt of, relief  
13 provided under Division 9 (commencing with Section 10000) of  
14 the Welfare and Institutions Code or to enable the collection of  
15 expenditures for medical assistance services pursuant to Part 5  
16 (commencing with Section 17000) of Division 9 of the Welfare  
17 and Institutions Code.

18 (i) To provide any law enforcement agency with the name,  
19 address, telephone number, birth date, social security number,  
20 physical description, and names and addresses of present and past  
21 employers, of any victim, suspect, missing person, potential  
22 witness, or person for whom a felony arrest warrant has been  
23 issued, when a request for this information is made by any  
24 investigator or peace officer as defined by Sections 830.1 and  
25 830.2 of the Penal Code, or by any federal law enforcement officer  
26 to whom the Attorney General has delegated authority to enforce  
27 federal search warrants, as defined under Sections 60.2 and 60.3  
28 of Title 28 of the Code of Federal Regulations, as amended, and  
29 when the requesting officer has been designated by the head of  
30 the law enforcement agency and requests this information in the  
31 course of and as a part of an investigation into the commission of  
32 a crime when there is a reasonable suspicion that the crime is a  
33 felony and that the information would lead to relevant evidence.  
34 The information provided pursuant to this subdivision shall be  
35 provided to the extent permitted by federal law and regulations,  
36 and to the extent the information is available and accessible within  
37 the constraints and configurations of existing department records.  
38 Any person who receives any information under this subdivision  
39 shall make a written report of the information to the law



1 enforcement agency that employs him or her, for filing under the  
2 normal procedures of that agency.

3 (1) This subdivision shall not be construed to authorize the  
4 release to any law enforcement agency of a general list identifying  
5 individuals applying for or receiving benefits.

6 (2) The department shall maintain records pursuant to this  
7 subdivision only for periods required under regulations or statutes  
8 enacted for the administration of its programs.

9 (3) This subdivision shall not be construed as limiting the  
10 information provided to law enforcement agencies to that pertaining  
11 only to applicants for, or recipients of, benefits.

12 (4) The department shall notify all applicants for benefits that  
13 release of confidential information from their records will not be  
14 protected should there be a felony arrest warrant issued against  
15 the applicant or in the event of an investigation by a law  
16 enforcement agency into the commission of a felony.

17 (j) To provide public employee retirement systems in California  
18 with information relating to the earnings of any person who has  
19 applied for or is receiving a disability income, disability allowance,  
20 or disability retirement allowance, from a public employee  
21 retirement system. The earnings information shall be released only  
22 upon written request from the governing board specifying that the  
23 person has applied for or is receiving a disability allowance or  
24 disability retirement allowance from its retirement system. The  
25 request may be made by the chief executive officer of the system  
26 or by an employee of the system so authorized and identified by  
27 name and title by the chief executive officer in writing.

28 (k) To enable the Division of Labor Standards Enforcement in  
29 the Department of Industrial Relations to seek criminal, civil, or  
30 administrative remedies in connection with the failure to pay, or  
31 the unlawful payment of, wages pursuant to Chapter 1  
32 (commencing with Section 200) of Part 1 of Division 2 of, and  
33 Chapter 1 (commencing with Section 1720) of Part 7 of Division  
34 2 of, the Labor Code.

35 (l) To enable federal, state, or local governmental departments  
36 or agencies to administer child support enforcement programs  
37 under Part D of Title IV of the federal Social Security Act (42  
38 U.S.C. Sec. 651 et seq.).

39 (m) To provide federal, state, or local governmental departments  
40 or agencies with wage and claim information in its possession that

1 will assist those departments and agencies in the administration  
2 of the Victims of Crime Program or in the location of victims of  
3 crime who, by state mandate or court order, are entitled to  
4 restitution that has been or can be recovered.

5 (n) To provide federal, state, or local governmental departments  
6 or agencies with information concerning any individuals who are  
7 or have been:

8 (1) Directed by state mandate or court order to pay restitution,  
9 fines, penalties, assessments, or fees as a result of a violation of  
10 law.

11 (2) Delinquent or in default on guaranteed student loans or who  
12 owe repayment of funds received through other financial assistance  
13 programs administered by those agencies. The information released  
14 by the director for the purposes of this paragraph shall not include  
15 unemployment insurance benefit information.

16 (o) To provide an authorized governmental agency with any or  
17 all relevant information that relates to any specific workers'  
18 compensation insurance fraud investigation. The information shall  
19 be provided to the extent permitted by federal law and regulations.  
20 For the purposes of this subdivision, "authorized governmental  
21 agency" means the district attorney of any county, the office of  
22 the Attorney General, the Contractors' State License Board, the  
23 Department of Industrial Relations, and the Department of  
24 Insurance. An authorized governmental agency may disclose this  
25 information to the State Bar, the Medical Board of California, or  
26 any other licensing board or department whose licensee is the  
27 subject of a workers' compensation insurance fraud investigation.  
28 This subdivision shall not prevent any authorized governmental  
29 agency from reporting to any board or department the suspected  
30 misconduct of any licensee of that body.

31 (p) To enable the Director of Consumer Affairs, or his or her  
32 representatives, to access unemployment insurance quarterly wage  
33 data on a case-by-case basis to verify information on school  
34 administrators, school staff, and students provided by those schools  
35 who are being investigated for possible violations of Chapter 8  
36 (commencing with Section 94800) of Part 59 of Division 10 of  
37 Title 3 of the Education Code.

38 (q) To provide employment tax information to the tax officials  
39 of Mexico, if a reciprocal agreement exists. For purposes of this  
40 subdivision, "reciprocal agreement" means a formal agreement to

1 exchange information between national taxing officials of Mexico  
2 and taxing authorities of the State Board of Equalization, the  
3 Franchise Tax Board, and the Employment Development  
4 Department. Furthermore, the reciprocal agreement shall be limited  
5 to the exchange of information that is essential for tax  
6 administration purposes only. Taxing authorities of the State of  
7 California shall be granted tax information only on California  
8 residents. Taxing authorities of Mexico shall be granted tax  
9 information only on Mexican nationals.

10 (r) To enable city and county planning agencies to develop  
11 economic forecasts for planning purposes. The information shall  
12 be limited to businesses within the jurisdiction of the city or county  
13 whose planning agency is requesting the information, and shall  
14 not include information regarding individual employees.

15 (s) To provide the State Department of Developmental Services  
16 with wage and employer information that will assist in the  
17 collection of moneys owed by the recipient, parent, or any other  
18 legally liable individual for services and supports provided pursuant  
19 to Chapter 9 (commencing with Section 4775) of Division 4.5 of,  
20 and Chapter 2 (commencing with Section 7200) and Chapter 3  
21 (commencing with Section 7500) of Division 7 of, the Welfare  
22 and Institutions Code.

23 (t) To provide the State Board of Equalization with employment  
24 tax information that will assist in the administration of tax  
25 programs. The information shall be limited to the exchange of  
26 employment tax information essential for tax administration  
27 purposes to the extent permitted by federal law and regulations.

28 (u) Nothing in this section shall be construed to authorize or  
29 permit the use of information obtained in the administration of this  
30 code by any private collection agency.

31 (v) The disclosure of the name and address of an individual or  
32 business entity that was issued an assessment that included  
33 penalties under Section 1128 or 1128.1 shall not be in violation  
34 of Section 1094 if the assessment is final. The disclosure may also  
35 include any of the following:

- 36 (1) The total amount of the assessment.  
37 (2) The amount of the penalty imposed under Section 1128 or  
38 1128.1 that is included in the assessment.  
39 (3) The facts that resulted in the charging of the penalty under  
40 Section 1128 or 1128.1.

1 (w) To enable the Contractors' State License Board to verify  
2 the employment history of an individual applying for licensure  
3 pursuant to Section 7068 of the Business and Professions Code.

4 (x) To provide any peace officer with the Division of  
5 Investigation in the Department of Consumer Affairs information  
6 pursuant to subdivision (i) when the requesting peace officer has  
7 been designated by the chief of the Division of Investigation and  
8 requests this information in the course of and as part of an  
9 investigation into the commission of a crime or other unlawful act  
10 when there is reasonable suspicion to believe that the crime or act  
11 may be connected to the information requested and would lead to  
12 relevant information regarding the crime or unlawful act.

13 (y) To enable the Labor Commissioner of the Division of Labor  
14 Standards Enforcement in the Department of Industrial Relations  
15 to identify, pursuant to Section 90.3 of the Labor Code, unlawfully  
16 uninsured employers. The information shall be provided to the  
17 extent permitted by federal law and regulations.

18 (z) To enable the Chancellor of the California Community  
19 Colleges, in accordance with the requirements of Section 84754.5  
20 of the Education Code, to obtain quarterly wage data, commencing  
21 January 1, 1993, on students who have attended one or more  
22 community colleges, to assess the impact of education on the  
23 employment and earnings of students, to conduct the annual  
24 evaluation of district-level and individual college performance in  
25 achieving priority educational outcomes, and to submit the required  
26 reports to the Legislature and the Governor. The information shall  
27 be provided to the extent permitted by federal statutes and  
28 regulations.

29 (aa) To enable the Public Employees' Retirement System to  
30 seek criminal, civil, or administrative remedies in connection with  
31 the unlawful application for, or receipt of, benefits provided under  
32 Part 3 (commencing with Section 20000) of Division 5 of Title 2  
33 of the Government Code.

34 (ab) To enable the State Department of Education, the University  
35 of California, the California State University, and the Chancellor  
36 of the California Community Colleges, pursuant to the  
37 requirements prescribed by the federal American Recovery and  
38 Reinvestment Act of 2009 (Public Law 111-5), to obtain quarterly  
39 wage data, commencing July 1, 2010, on students who have  
40 attended their respective systems to assess the impact of education

1 on the employment and earnings of those students, to conduct the  
2 annual analysis of district-level and individual district or  
3 postsecondary education system performance in achieving priority  
4 educational outcomes, and to submit the required reports to the  
5 Legislature and the Governor. The information shall be provided  
6 to the extent permitted by federal statutes and regulations.

7 (ac) To provide the Agricultural Labor Relations Board with  
8 employee, wage, and employer information, for use in the  
9 investigation or enforcement of the  
10 Alatorre-Zenovich-Dunlap-Berman Agricultural Labor Relations  
11 Act of 1975 (Part 3.5 (commencing with Section 1140) of Division  
12 2 of the Labor Code). The information shall be provided to the  
13 extent permitted by federal statutes and regulations.

14 (ad) (1) To enable the State Department of Health Care  
15 Services, the California Health Benefit Exchange, the Managed  
16 Risk Medical Insurance Board, and county departments and  
17 agencies to obtain information regarding employee wages,  
18 California employer names and account numbers, employer reports  
19 of wages and number of employees, and disability insurance and  
20 unemployment insurance claim information, for the purpose of:

21 (A) Verifying or determining the eligibility of an applicant for,  
22 or a recipient of, state health subsidy programs, limited to the  
23 Medi-Cal program, provided pursuant to Chapter 7 (commencing  
24 with Section 14000) of Part 3 of Division 9 of the Welfare and  
25 Institutions Code, and the Access for Infants and Mothers Program,  
26 provided pursuant to Part 6.3 (commencing with Section 12695)  
27 of Division 2 of the Insurance Code, when the verification or  
28 determination is directly connected with, and limited to, the  
29 administration of the state health subsidy programs referenced in  
30 this subparagraph.

31 (B) Verifying or determining the eligibility of an applicant for,  
32 or a recipient of, federal subsidies offered through the California  
33 Health Benefit Exchange, provided pursuant to Title 22  
34 (commencing with Section 100500) of the Government Code,  
35 including federal tax credits and cost-sharing assistance pursuant  
36 to the federal Patient Protection and Affordable Care Act (Public  
37 Law 111-148), as amended by the federal Health Care and  
38 Education Reconciliation Act of 2010 (Public Law 111-152), when  
39 the verification or determination is directly connected with, and

1 limited to, the administration of the California Health Benefit  
2 Exchange.

3 (C) Verifying or determining the eligibility of employees and  
4 employers for health coverage through the Small Business Health  
5 Options Program, provided pursuant to Section 100502 of the  
6 Government Code, when the verification or determination is  
7 directly connected with, and limited to, the administration of the  
8 Small Business Health Options Program.

9 (2) The information provided under this subdivision shall be  
10 subject to the requirements of, and provided to the extent permitted  
11 by, federal law and regulations, including Part 603 of Title 20 of  
12 the Code of Federal Regulations.

13 (ae) To provide any peace officer with the Investigations  
14 Division of the Department of Motor Vehicles with information  
15 pursuant to subdivision (i), when the requesting peace officer has  
16 been designated by the Chief of the Investigations Division and  
17 requests this information in the course of, and as part of, an  
18 investigation into identity theft, counterfeiting, document fraud,  
19 or consumer fraud, and there is reasonable suspicion that the crime  
20 is a felony and that the information would lead to relevant evidence  
21 regarding the identity theft, counterfeiting, document fraud, or  
22 consumer fraud. The information provided pursuant to this  
23 subdivision shall be provided to the extent permitted by federal  
24 law and regulations, and to the extent the information is available  
25 and accessible within the constraints and configurations of existing  
26 department records. Any person who receives any information  
27 under this subdivision shall make a written report of the  
28 information to the Investigations Division of the Department of  
29 Motor Vehicles, for filing under the normal procedures of that  
30 division.

31 (af) Until January 1, 2020, to enable the Department of Finance  
32 to prepare and submit the report required by Section 13084 of the  
33 Government Code that identifies all employers in California that  
34 employ 100 or more employees who receive benefits from the  
35 Medi-Cal program (Chapter 7 (commencing with Section 14000)  
36 of Part 3 of Division 9 of the Welfare and Institutions Code). The  
37 information used for this purpose shall be limited to information  
38 obtained pursuant to Section 11026.5 of the Welfare and  
39 Institutions Code and from the administration of personal income  
40 tax wage withholding pursuant to Division 6 (commencing with

1 Section 13000) and the disability insurance program and may be  
2 disclosed to the Department of Finance only for the purpose of  
3 preparing and submitting the report and only to the extent not  
4 prohibited by federal law.

5 (ag) To provide, to the extent permitted by federal law and  
6 regulations, the Student Aid Commission with wage information  
7 in order to verify the employment status of an individual applying  
8 for a Cal Grant C award pursuant to subdivision (c) of Section  
9 69439 of the Education Code.

10 (ah) To enable the Department of Corrections and Rehabilitation  
11 to obtain quarterly wage data of former inmates who have been  
12 incarcerated within the prison system in order to assess the impact  
13 of rehabilitation services or the lack of these services on the  
14 employment and earnings of these former inmates. Quarterly data  
15 for a former inmate's employment status and wage history shall  
16 be provided for a period of one year, three years, and five years  
17 following release. The data shall only be used for the purpose of  
18 tracking outcomes for former inmates in order to assess the  
19 effectiveness of rehabilitation strategies on the wages and  
20 employment histories of those formerly incarcerated. The  
21 information shall be provided to the department to the extent not  
22 prohibited by federal law.

23 (ai) To enable federal, state, or local government departments  
24 or agencies, or their contracted agencies, subject to federal law,  
25 including the confidentiality, disclosure, and other requirements  
26 set forth in Part 603 of Title 20 of the Code of Federal Regulations,  
27 to evaluate, research, or forecast the effectiveness of public social  
28 services programs administered pursuant to Division 9  
29 (commencing with Section 10000) of the Welfare and Institutions  
30 Code, or Part A of Subchapter IV of Chapter 7 of the federal Social  
31 Security Act (42 U.S.C. Sec. 601 et seq.), when the evaluation,  
32 research, or forecast is directly connected with, and limited to, the  
33 administration of the public social services programs.

34 (aj) *To enable the California Workforce Development Board,*  
35 *the Chancellor of the California Community Colleges, the*  
36 *Superintendent of Public Instruction, the Department of*  
37 *Rehabilitation, the State Department of Social Services, the Bureau*  
38 *for Private Postsecondary Education, the Department of Industrial*  
39 *Relations, the Division of Apprenticeship Standards, and the*  
40 *Employment Training Panel to access any relevant quarterly wage*

1 *data necessary for the evaluation and reporting of their respective*  
2 *program performance outcomes as required and permitted by*  
3 *various state and federal laws pertaining to performance*  
4 *measurement and program evaluation under the federal Workforce*  
5 *Innovation and Opportunity Act (Public Law 113-128); the*  
6 *workforce performance metrics dashboard pursuant to paragraph*  
7 *(1) of subdivision (i) of Section 14013; the Adult Education Block*  
8 *Grant Program consortia performance metrics pursuant to Section*  
9 *84920 of the Education Code; the economic and workforce*  
10 *development program performance measures pursuant to Section*  
11 *88650 of the Education Code; and the California Community*  
12 *Colleges Economic and Workforce Development Program*  
13 *performance measures established in Part 52.5 (commencing with*  
14 *Section 88600) of Division 7 of Title 3 of the Education Code.*

15 *SEC. 278. Section 14013 of the Unemployment Insurance Code*  
16 *is amended to read:*

17 14013. The board shall assist the Governor in the following:

18 (a) Promoting the development of a well-educated and highly  
19 skilled 21st century workforce.

20 (b) Developing, implementing, and modifying the State Plan.  
21 The State Plan shall serve as the comprehensive framework and  
22 coordinated plan for the aligned investment of all federal and state  
23 workforce training and employment services funding streams and  
24 programs. To the extent feasible and when appropriate, the state  
25 plan should reinforce and work with adult education and career  
26 technical education efforts that are responsive to labor market  
27 trends.

28 (c) The review of statewide policies, of statewide programs,  
29 and of recommendations on actions that should be taken by the  
30 state to align workforce, education, training, and employment  
31 funding programs in the state in a manner that supports a  
32 comprehensive and streamlined workforce development system  
33 in the state, including the review and provision of comments on  
34 the State Plan, if any, for programs and activities of one-stop  
35 partners that are not core programs.

36 (d) Developing and continuously improving the statewide  
37 workforce investment system, including:

38 (1) The identification of barriers and means for removing  
39 barriers to better coordinate, align, and avoid duplication among  
40 the programs and activities carried out through the system.



1 (2) The development of strategies to support the use of career  
2 pathways for the purpose of providing individuals, including  
3 low-skilled adults, youth, and individuals with barriers to  
4 employment, and including individuals with disabilities, with  
5 workforce investment activities, education, and supportive services  
6 to enter or retain employment. To the extent permissible under  
7 state and federal laws, these policies and strategies should support  
8 linkages between kindergarten and grades 1 to 12, inclusive, and  
9 community college educational systems in order to help secure  
10 educational and career advancement. These policies and strategies  
11 may be implemented using a sector strategies framework and  
12 should ultimately lead to placement in a job providing economic  
13 security or job placement in an entry-level job that has a  
14 well-articulated career pathway or career ladder to a job providing  
15 economic security.

16 (3) The development of strategies for providing effective  
17 outreach to and improved access for individuals and employers  
18 who could benefit from services provided through the workforce  
19 development system.

20 (4) The development and expansion of strategies for meeting  
21 the needs of employers, workers, and jobseekers, particularly  
22 through industry or sector partnerships related to in-demand  
23 industry sectors and occupations, including policies targeting  
24 resources to competitive and emerging industry sectors and industry  
25 clusters that provide economic security and are either high-growth  
26 sectors or critical to California's economy, or both. These industry  
27 sectors and clusters shall have significant economic impacts on  
28 the state and its regional and workforce development needs and  
29 have documented career opportunities.

30 (5) Recommending adult and dislocated worker training policies  
31 and investments that offer a variety of career opportunities while  
32 upgrading the skills of California's workforce. These may include  
33 training policies and investments pertaining to any of the following:

34 (A) Occupational skills training, including training for  
35 nontraditional employment.

36 (B) On-the-job training.

37 (C) Incumbent worker training in accordance with Section  
38 3174(d)(4) of Title 29 of the United States Code.

39 (D) Programs that combine workplace training with related  
40 instruction, which may include cooperative education programs.

1 (E) Training programs operated by the private sector.

2 (F) Skill upgrading and retraining.

3 (G) Entrepreneurial training.

4 (H) Transitional jobs in accordance with Section 3174 (d)(5)  
5 of Title 29 of the United States Code.

6 (I) Job readiness training provided in combination with any of  
7 the services described in subparagraphs (A) to (H), inclusive.

8 (J) Adult education and literacy activities provided in  
9 combination with any of the services described in subparagraphs  
10 (A) to (G), inclusive.

11 (K) Customized training conducted with a commitment by an  
12 employer or group of employers to employ an individual upon  
13 successful completion of the training.

14 (e) The identification of regions, including planning regions,  
15 for the purposes of Section 3121(a) of Title 29 of the United States  
16 Code, and the designation of local areas under Section 3121 of  
17 Title 29 of the United States Code, after consultation with local  
18 boards and chief elected officials.

19 (f) The development and continuous improvement of the  
20 one-stop delivery system in local areas, including providing  
21 assistance to local boards, one-stop operators, one-stop partners,  
22 and providers with planning and delivering services, including  
23 training services and supportive services, to support effective  
24 delivery of services to workers, job seekers, and employers.

25 (g) Recommending strategies to the Governor for strategic  
26 training investments of the Governor's 15-percent discretionary  
27 funds.

28 (h) Developing strategies to support staff training and awareness  
29 across programs supported under the workforce development  
30 system.

31 (i) The development and updating of comprehensive state  
32 performance accountability measures, including state adjusted  
33 levels of performance, to assess the effectiveness of the core  
34 programs in the state as required under Section 3141(b) of Title  
35 29 of the United States Code. As part of this process the board  
36 shall do all of the following:

37 (1) Develop a workforce metrics dashboard, to be updated  
38 annually, that measures the state's human capital investments in  
39 workforce development to better understand the collective impact  
40 of these investments on the labor market. The workforce metrics

1 dashboard shall be produced using existing available data and  
2 resources that are currently collected and accessible to state  
3 agencies. The board shall convene workforce program partners to  
4 develop a standardized set of inputs and outputs for the workforce  
5 metrics dashboard. The workforce metrics dashboard shall do all  
6 of the following:

7 (A) Provide a status report on credential attainment, training  
8 completion, degree attainment, and participant earnings from  
9 workforce education and training programs. The board shall publish  
10 and distribute the final report.

11 (B) Provide demographic breakdowns, including, to the extent  
12 possible, race, ethnicity, age, gender, veteran status, wage and  
13 credential or degree outcomes, and information on workforce  
14 outcomes in different industry sectors.

15 (C) Measure, at a minimum and to the extent feasible with  
16 existing resources, the performance of the following workforce  
17 programs: community college career technical education, the  
18 Employment Training Panel, Title I and Title II of the federal  
19 Workforce Investment Act of 1998, Trade Adjustment Assistance,  
20 and state apprenticeship programs.

21 (D) Measure participant earnings in California, and to the extent  
22 feasible, in other states. The Employment Development Department  
23 shall assist the board by calculating aggregated participant earnings  
24 using unemployment insurance wage records, without violating  
25 any applicable confidentiality requirements.

26 (2) The State Department of Education is hereby authorized to  
27 collect the social security numbers of adults participating in adult  
28 education programs so that accurate participation in those programs  
29 can be represented in the report card. However, an individual shall  
30 not be denied program participation if he or she refuses to provide  
31 a social security number. The State Department of Education shall  
32 keep this information ~~confidential and shall only use this~~  
33 ~~information for tracking purposes, confidential, except, the State~~  
34 *Department of Education is authorized to share this information,*  
35 *unless prohibited by federal law, with the Employment*  
36 *Development Department, who shall keep the information*  
37 *confidential and use it only to track the labor market outcomes of*  
38 *program participants in compliance with all applicable state and*  
39 ~~federal law.~~ *laws and mandates, including all performance*

1 *reporting requirements under the Workforce Innovation and*  
2 *Opportunity Act.*

3 (3) (A) Participating workforce programs, as specified in  
4 subparagraph (C) of paragraph (1), shall provide participant data  
5 in a standardized format to the Employment Development  
6 Department.

7 (B) The Employment Development Department shall aggregate  
8 data provided by participating workforce programs and shall report  
9 the data, organized by demographics, earnings, and industry of  
10 employment, to the board to assist the board in producing the  
11 annual workforce metrics dashboard.

12 (j) The identification and dissemination of information on best  
13 practices, including best practices for all of the following:

14 (1) The effective operation of one-stop centers, relating to the  
15 use of business outreach, partnerships, and service delivery  
16 strategies, including strategies for serving individuals with barriers  
17 to employment.

18 (2) The development of effective local boards, which may  
19 include information on factors that contribute to enabling local  
20 boards to exceed negotiated local levels of performance, sustain  
21 fiscal integrity, and achieve other measures of effectiveness.

22 (3) Effective training programs that respond to real-time labor  
23 market analysis, that effectively use direct assessment and prior  
24 learning assessment to measure an individual's prior knowledge,  
25 skills, competencies, and experiences, and that evaluate such skills,  
26 and competencies for adaptability, to support efficient placement  
27 into employment or career pathways.

28 (k) The development and review of statewide policies affecting  
29 the coordinated provision of services through the state's one-stop  
30 delivery system described in Section 3151(e) of Title 29 of the  
31 United States Code, including the development of all of the  
32 following:

33 (1) Objective criteria and procedures for use by local boards in  
34 assessing the effectiveness and continuous improvement of  
35 one-stop centers described in Section 3151(e) of Title 29 of the  
36 United States Code.

37 (2) Guidance for the allocation of one-stop center infrastructure  
38 funds under Section 3151(h) of Title 29 of the United States Code.

39 (3) Policies relating to the appropriate roles and contributions  
40 of entities carrying out one-stop partner programs within the

1 one-stop delivery system, including approaches to facilitating  
2 equitable and efficient cost allocation in such a system.

3 (l) The development of strategies for technological  
4 improvements to facilitate access to, and improve the quality of,  
5 services and activities provided through the one-stop delivery  
6 system, including such improvements to all of the following:

7 (1) Enhance digital literacy skills, as defined in Section 9101  
8 of Title 20 of the United States Code, referred to in this division  
9 as “digital literacy skills.”

10 (2) Accelerate the acquisition of skills and recognized  
11 postsecondary credentials by participants.

12 (3) Strengthen the professional development of providers and  
13 workforce professionals.

14 (4) Ensure the technology is accessible to individuals with  
15 disabilities and individuals residing in remote areas.

16 (m) The development of strategies for aligning technology and  
17 data systems across one-stop partner programs to enhance service  
18 delivery and improve efficiencies in reporting on performance  
19 accountability measures, including the design and implementation  
20 of common intake, data collection, case management information,  
21 and performance accountability measurement and reporting  
22 processes and the incorporation of local input into such design and  
23 implementation, to improve coordination of services across  
24 one-stop partner programs.

25 (n) The development of allocation formulas for the distribution  
26 of funds for employment and training activities for adults, and  
27 youth workforce investment activities, to local areas as permitted  
28 under Sections 3163(b)(3) and 3173(b)(3) of Title 29 of the United  
29 States Code.

30 (o) The preparation of the annual reports described in paragraphs  
31 (1) and (2) of Section 3141(d) of Title 29 of the United States  
32 Code.

33 (p) The development of the statewide workforce and labor  
34 market information system described in Section 491–2(e) of Title  
35 29 of the United States Code.

36 (q) The development of such other policies as may promote  
37 statewide objectives for, and enhance the performance of, the  
38 workforce development system in the state.

39 (r) Helping individuals with barriers to employment, including  
40 low-skill, low-wage workers, the long-term unemployed, and

1 members of single-parent households, achieve economic security  
2 and upward mobility by implementing policies that encourage the  
3 attainment of marketable skills relevant to current labor market  
4 trends.

5 *SEC. 279. Section 1752.81 of the Welfare and Institutions Code*  
6 *is amended to read:*

7 1752.81. (a) Whenever the Director of the Division of Juvenile  
8 Justice has in his or her possession in trust funds of a ward  
9 committed to the division, the funds may be released for any  
10 purpose when authorized by the ward. When the sum held in trust  
11 for any ward by the director exceeds five hundred dollars (\$500),  
12 the amount in excess of five hundred dollars (\$500) may be  
13 expended by the director pursuant to a lawful order of a court  
14 directing payment of the funds, without the authorization of the  
15 ward thereto.

16 (b) Whenever an adult or minor is committed to or housed in a  
17 Division of Juvenile Facilities facility and he or she owes a  
18 restitution fine imposed pursuant to Section 13967 of the  
19 Government Code, as operative on or before September 28, 1994,  
20 or Section 1202.4 or 1203.04 of the Penal Code, as operative on  
21 or before August 2, 1995, or pursuant to Section 729.6, 730.6 or  
22 731.1, as operative on or before August 2, 1995, the director shall  
23 deduct the balance owing on the fine amount from the trust account  
24 deposits of a ward, up to a maximum of 50 percent of the total  
25 amount held in trust, unless prohibited by federal law. The director  
26 shall transfer that amount to the California Victim Compensation  
27 ~~and Government Claims~~ Board for deposit in the Restitution Fund  
28 in the State Treasury. Any amount so deducted shall be credited  
29 against the amount owing on the fine. The sentencing court shall  
30 be provided a record of the payments.

31 (c) Whenever an adult or minor is committed to, or housed in,  
32 a Division of Juvenile Facilities facility and he or she owes  
33 restitution to a victim imposed pursuant to Section 13967 of the  
34 Government Code, as operative on or before September 28, 1994,  
35 or Section 1202.4 or 1203.04 of the Penal Code, as operative on  
36 or before August 2, 1995, or pursuant to Section 729.6, 730.6, or  
37 731.1, as operative on or before August 2, 1995, the director shall  
38 deduct the balance owing on the order amount from the trust  
39 account deposits of a ward, up to a maximum of 50 percent of the  
40 total amount held in trust, unless prohibited by federal law. The

1 director shall transfer that amount directly to the victim. If the  
2 restitution is owed to a person who has filed an application with  
3 the Victims of Crime Program, the director shall transfer that  
4 amount to the California Victim Compensation and Government  
5 Claims Board for direct payment to the victim or payment shall  
6 be made to the Restitution Fund to the extent that the victim has  
7 received assistance pursuant to that program. The sentencing court  
8 shall be provided a record of the payments made to victims and  
9 of the payments deposited to the Restitution Fund pursuant to this  
10 subdivision.

11 (d) Any compensatory or punitive damages awarded by trial or  
12 settlement to a minor or adult committed to the Division of Juvenile  
13 Facilities in connection with a civil action brought against any  
14 federal, state, or local jail or correctional facility, or any official  
15 or agent thereof, shall be paid directly, after payment of reasonable  
16 attorney's fees and litigation costs approved by the court, to satisfy  
17 any outstanding restitution orders or restitution fines against the  
18 minor or adult. The balance of any award shall be forwarded to  
19 the minor or adult committed to the Division of Juvenile Facilities  
20 after full payment of all outstanding restitution orders and  
21 restitution fines subject to subdivision (e). The Division of Juvenile  
22 Facilities shall make all reasonable efforts to notify the victims of  
23 the crime for which the minor or adult was committed concerning  
24 the pending payment of any compensatory or punitive damages.  
25 This subdivision shall apply to cases settled or awarded on or after  
26 April 26, 1996, pursuant to Sections 807 and 808 of Title VIII of  
27 the federal Prison Litigation Reform Act of 1995 (P.L. 104-134;  
28 18 U.S.C. Sec. 3626 (Historical and Statutory Notes)).

29 (e) The director shall deduct and retain from the trust account  
30 deposits of a ward, unless prohibited by federal law, an  
31 administrative fee that totals 10 percent of any amount transferred  
32 pursuant to subdivision (b) and (c), or 5 percent of any amount  
33 transferred pursuant to subdivision (d). The director shall deposit  
34 the administrative fee moneys in a special deposit account for  
35 reimbursing administrative and support costs of the restitution and  
36 victims program of the Division of Juvenile Facilities. The director,  
37 at his or her discretion, may retain any excess funds in the special  
38 deposit account for future reimbursement of the division's  
39 administrative and support costs for the restitution and victims

1 program or may transfer all or part of the excess funds for deposit  
2 in the Restitution Fund.

3 (f) When a ward has both a restitution fine and a restitution  
4 order from the sentencing court, the Division of Juvenile Facilities  
5 shall collect the restitution order first pursuant to subdivision (c).

6 (g) Notwithstanding subdivisions (a), (b), and (c), whenever the  
7 director holds in trust a ward's funds in excess of five dollars (\$5)  
8 and the ward cannot be located, after one year from the date of  
9 discharge, absconding from the Division of Juvenile Facilities  
10 supervision, or escape, the Division of Juvenile Facilities shall  
11 apply the trust account balance to any unsatisfied victim restitution  
12 order or fine owed by that ward. If the victim restitution order or  
13 fine has been satisfied, the remainder of the ward's trust account  
14 balance, if any, shall be transferred to the Benefit Fund to be  
15 expended pursuant to Section 1752.5. If the victim to whom a  
16 particular ward owes restitution cannot be located, the moneys  
17 shall be transferred to the Benefit Fund to be expended pursuant  
18 to Section 1752.5.

19 *SEC. 280. Section 1752.82 of the Welfare and Institutions Code*  
20 *is amended to read:*

21 1752.82. (a) Whenever an adult or minor is committed to or  
22 housed in a Youth Authority facility and he or she owes restitution  
23 to a victim or a restitution fine imposed pursuant to Section 13967,  
24 as operative on or before September 28, 1994, of the Government  
25 Code, or Section 1202.4 of the Penal Code, or Section 1203.04,  
26 as operative on or before August 2, 1994, of the Penal Code, or  
27 pursuant to Section 729.6, as operative on or before August 2,  
28 1995, Section 730.6 or 731.1, as operative on or before August 2,  
29 1995, the director may deduct a reasonable amount not to exceed  
30 50 percent from the wages of that adult or minor and the amount  
31 so deducted, exclusive of the costs of administering this section,  
32 which shall be retained by the director, shall be transferred to the  
33 California Victim Compensation and Government Claims Board  
34 for deposit in the Restitution Fund in the State Treasury in the case  
35 of a restitution fine, or, in the case of a restitution order, and upon  
36 the request of the victim, shall be paid directly to the victim. Any  
37 amount so deducted shall be credited against the amount owing  
38 on the fine or to the victim. The committing court shall be provided  
39 a record of any payments.



(b) A victim who has requested that restitution payments be paid directly to him or her pursuant to subdivision (a) shall provide a current address to the Youth Authority to enable the Youth Authority to send restitution payments collected on the victim's behalf to the victim.

(c) In the case of a restitution order, whenever the victim has died, cannot be located, or has not requested the restitution payment, the director may deduct a reasonable amount not to exceed 50 percent of the wages of that adult or minor and the amount so deducted, exclusive of the costs of administering this section, which shall be retained by the director, shall be transferred to the California Victim Compensation ~~and Government Claims~~ Board, pursuant to subdivision (d), after one year has elapsed from the time the ward is discharged by the Youth Authority Board. Any amount so deducted shall be credited against the amount owing to the victim. The funds so transferred shall be deposited in the Restitution Fund.

(d) If the Youth Authority has collected restitution payments on behalf of a victim, the victim shall request those payments no later than one year after the ward has been discharged by the Youth Authority Board. Any victim who fails to request those payments within that time period shall have relinquished all rights to the payments, unless he or she can show reasonable cause for failure to request those payments within that time period.

(e) The director shall transfer to the California Victim Compensation ~~and Government Claims~~ Board all restitution payments collected prior to the effective date of this section on behalf of victims who have died, cannot be located, or have not requested restitution payments. The California Victim Compensation ~~and Government Claims~~ Board shall deposit these amounts in the Restitution Fund.

(f) For purposes of this section, "victim" includes a victim's immediate surviving family member, on whose behalf restitution has been ordered.

*SEC. 281. Section 4461 of the Welfare and Institutions Code is amended to read:*

4461. (a) All expenses incurred in returning such persons to other states shall be paid by this state, the person, or his or her relatives, but the expense of returning residents of this state shall be borne by the state making the returns.

(b) The cost and expense incurred in effecting the transportation of the nonresident persons to the states in which they have residence shall be advanced from the funds appropriated for that purpose or, if necessary, from the money appropriated for the care of developmentally disabled persons upon vouchers approved by the ~~California Victim Compensation and Government Claims Board~~. Department of General Services.

SEC. 282. Section 11212 of the Welfare and Institutions Code is amended to read:

11212. (a) The state, through the county welfare department, shall reimburse the foster parent or foster parents for the cost of the burial plot and funeral expenses incurred for any child who, at the time of death, is receiving foster care, as defined in Section 11251, to the extent that the foster parent or foster parents are not otherwise reimbursed for costs incurred for those purposes.

(b) The state, through the county welfare department, shall pay the burial costs and funeral expenses directly to the funeral home and the burial plot owner when either one of the following conditions exists:

(1) The foster parent or foster parents request the direct payment.

(2) The child's death is due to alleged criminal negligence or other alleged criminal action on the part of the foster parent or foster parents.

(c) The foster parent, or the funeral home and burial plot provider, shall file a claim for reimbursement of costs with the county welfare department at the time and in the manner specified by the department. The county welfare department shall pay the claims in an amount not to exceed the level of reimbursement allowed by the California Victim Compensation and Government Claims Board for burial costs and funeral expenses under its Victims of Violent Crimes program, which is contained in Article 1 (commencing with Section 13959) of Chapter 5 of Part 4 of Division 3 of Title 2 of the Government Code. Claims for the burial costs and funeral expenses for a foster child shall be paid out of funds appropriated annually to the department for those purposes.

SEC. 283. Section 14171.5 of the Welfare and Institutions Code is amended to read:

14171.5. Any institutional provider of health care services that obtained reimbursement under this chapter to which it is not

1 entitled shall be subject to the following interest charges or  
2 penalties:

3 (a) When it is established upon audit that the provider has  
4 claimed payments under this chapter to which it is not entitled, the  
5 provider shall pay, in addition to the amount improperly received,  
6 interest at the rate specified by subdivision (h) of Section 14171.

7 (b) When it is established upon audit that the provider claimed  
8 payments related to services or costs that the department had  
9 previously notified the provider in an audit report that the costs or  
10 services were not reimbursable, the provider shall pay in addition  
11 to the amount improperly claimed, a penalty of 10 percent of the  
12 amount improperly claimed after this notice, plus the cost of the  
13 audit. In addition, interest shall be assessed at the rate specified in  
14 subdivision (h) of Section 14171. Providers who wish to preserve  
15 appeal rights or to challenge the department's positions regarding  
16 appeal issues, may claim the cost or services and not be reimbursed  
17 therefor if they are identified and presented separately on the cost  
18 report.

19 (c) When it is established that the provider fraudulently claimed  
20 and received payments under this chapter, the provider shall pay  
21 a penalty of 25 percent of the amount improperly claimed, plus  
22 the cost of the audit, in addition to the amount thereof. In addition,  
23 interest will be assessed at the rate specified by subdivision (h) of  
24 Section 14171. A fraudulent claim is a claim upon which the  
25 provider has been convicted of fraud upon the program. Nothing  
26 in this section shall prevent the imposition of any other civil or  
27 criminal penalties to which the provider may be liable.

28 (d) Appeals to action taken in subdivisions (a), (b), and (c) of  
29 Section 14171.5 above are subject to the administrative appeals  
30 process provided by Section 14171.

31 (e) Penalties paid by providers under subdivisions (a), (b), and  
32 (c) of Section 14171.5 are not reimbursable by the program.

33 (f) As used in this section, "the cost of the audit" includes actual  
34 hourly wages, travel, and incidental expenses at rates allowable  
35 by ~~California Victim Compensation and Government Claims Board~~  
36 *Department of General Services* rules, and applicable overhead  
37 costs.

38 *SEC. 284. Section 14171.6 of the Welfare and Institutions Code*  
39 *is amended to read:*

1 14171.6. (a) (1) Any provider, as defined in paragraph (3),  
2 that obtains reimbursement under this chapter to which it is not  
3 entitled shall be subject to interest charges or penalties as specified  
4 in this section.

5 (2) When it is established upon audit that the provider has not  
6 received reimbursement to which the provider is entitled, the  
7 department shall pay the provider interest assessed at the rate, and  
8 in the manner, specified in subdivision (g) of Section 14171.

9 (3) For purposes of this section, “provider” means any provider,  
10 as defined in Section 14043.1.

11 (b) When it is established upon audit that the provider has  
12 claimed payments under this chapter to which it is not entitled, the  
13 provider shall pay, in addition to the amount improperly received,  
14 interest at the rate specified by subdivision (h) of Section 14171.

15 (c) (1) When it is established upon audit that the provider  
16 claimed payments related to services or costs that the department  
17 had previously notified the provider in an audit report that the costs  
18 or services were not reimbursable, the provider shall pay, in  
19 addition to the amount improperly claimed, a penalty of 10 percent  
20 of the amount improperly claimed after receipt of the notice, plus  
21 the cost of the audit.

22 (2) In addition to the penalty and costs specified by paragraph  
23 (1), interest shall be assessed at the rate specified in subdivision  
24 (h) of Section 14171.

25 (3) Providers that wish to preserve appeal rights or to challenge  
26 the department’s positions regarding appeal issues may claim the  
27 costs or services and not be reimbursed therefor if they are  
28 identified and presented separately on the cost report.

29 (d) (1) When it is established that the provider fraudulently  
30 claimed and received payments under this chapter, the provider  
31 shall pay, in addition to that portion of the claim that was  
32 improperly claimed, a penalty of 300 percent of the amount  
33 improperly claimed, plus the cost of the audit.

34 (2) In addition to the penalty and costs specified by paragraph  
35 (1), interest shall be assessed at the rate specified by subdivision  
36 (h) of Section 14171.

37 (3) For purposes of this subdivision, a fraudulent claim is a  
38 claim upon which the provider has been convicted of fraud upon  
39 the Medi-Cal program.

1 (e) Nothing in this section shall prevent the imposition of any  
2 other civil or criminal penalties to which the provider may be  
3 liable.

4 (f) Any appeal to any action taken pursuant to subdivision (b),  
5 (c), or (d) is subject to the administrative appeals process provided  
6 by Section 14171.

7 (g) As used in this section, “cost of the audit” includes actual  
8 hourly wages, travel, and incidental expenses at rates allowable  
9 by rules adopted by the ~~California Victim Compensation and~~  
10 ~~Government Claims Board~~ *Department of General Services* and  
11 applicable overhead costs that are incurred by employees of the  
12 state in administering this chapter with respect to the performance  
13 of audits.

14 (h) This section shall not apply to any clinic licensed pursuant  
15 to subdivision (a) of Section 1204 of the Health and Safety Code,  
16 clinics exempt from licensure under Section 1206 of the Health  
17 and Safety Code, health facilities licensed under Chapter 2  
18 (commencing with Section 1250) of Division 2 of the Health and  
19 Safety Code, or to any provider that is operated by a city, county,  
20 or school district.

21 *SEC. 285. Section 15634 of the Welfare and Institutions Code*  
22 *is amended to read:*

23 15634. (a) No care custodian, clergy member, health  
24 practitioner, mandated reporter of suspected financial abuse of an  
25 elder or dependent adult, or employee of an adult protective  
26 services agency or a local law enforcement agency who reports a  
27 known or suspected instance of abuse of an elder or dependent  
28 adult shall be civilly or criminally liable for any report required  
29 or authorized by this article. Any other person reporting a known  
30 or suspected instance of abuse of an elder or dependent adult shall  
31 not incur civil or criminal liability as a result of any report  
32 authorized by this article, unless it can be proven that a false report  
33 was made and the person knew that the report was false. No person  
34 required to make a report pursuant to this article, or any person  
35 taking photographs at his or her discretion, shall incur any civil or  
36 criminal liability for taking photographs of a suspected victim of  
37 abuse of an elder or dependent adult or causing photographs to be  
38 taken of such a suspected victim or for disseminating the  
39 photographs with the reports required by this article. However,

1 this section shall not be construed to grant immunity from this  
2 liability with respect to any other use of the photographs.

3 (b) No care custodian, clergy member, health practitioner,  
4 mandated reporter of suspected financial abuse of an elder or  
5 dependent adult, or employee of an adult protective services agency  
6 or a local law enforcement agency who, pursuant to a request from  
7 an adult protective services agency or a local law enforcement  
8 agency investigating a report of known or suspected abuse of an  
9 elder or dependent adult, provides the requesting agency with  
10 access to the victim of a known or suspected instance of abuse of  
11 an elder or dependent adult, shall incur civil or criminal liability  
12 as a result of providing that access.

13 (c) The Legislature finds that, even though it has provided  
14 immunity from liability to persons required to report abuse of an  
15 elder or dependent adult, immunity does not eliminate the  
16 possibility that actions may be brought against those persons based  
17 upon required reports of abuse. In order to further limit the financial  
18 hardship that those persons may incur as a result of fulfilling their  
19 legal responsibilities, it is necessary that they not be unfairly  
20 burdened by legal fees incurred in defending those actions.  
21 Therefore, a care custodian, clergy member, health practitioner,  
22 or an employee of an adult protective services agency or a local  
23 law enforcement agency may present to the ~~California Victim~~  
24 ~~Compensation and Government Claims Board~~ *Department of*  
25 *General Services* a claim for reasonable attorneys' fees incurred  
26 in any action against that person on the basis of making a report  
27 required or authorized by this article if the court has dismissed the  
28 action upon a demurrer or motion for summary judgment made  
29 by that person, or if he or she prevails in the action. The ~~California~~  
30 ~~Victim Compensation and Government Claims Board~~ *Department*  
31 *of General Services* shall allow that claim if the requirements of  
32 this subdivision are met, and the claim shall be paid from an  
33 appropriation to be made for that purpose. Attorneys' fees awarded  
34 pursuant to this section shall not exceed an hourly rate greater than  
35 the rate charged by the Attorney General at the time the award is  
36 made and shall not exceed an aggregate amount of fifty thousand  
37 dollars (\$50,000). This subdivision shall not apply if a public entity  
38 has provided for the defense of the action pursuant to Section 995  
39 of the Government Code.

1     *SEC. 286. (a) It is the intent of the Legislature that any capitol*  
2 *building annex project undertaken pursuant to Article 5.2*  
3 *(commencing with Section 9112) of Chapter 1.5 of Part 1 of*  
4 *Division 2 of Title 2 of the Government Code incorporate elements*  
5 *complementary to the historic capitol, elements to make it efficient*  
6 *and sustainable, and historic elements from the existing capitol*  
7 *building annex.*

8     *(b) It is further the intent of the Legislature that any state capitol*  
9 *building annex be designed as a working capitol for the public to*  
10 *effectively engage with their elected representatives and their state*  
11 *government.*

12     *(c) It is further the intent of the Legislature that the eastern*  
13 *façade of the historic state capitol building be restored as part of*  
14 *any project that includes demolition of the existing capitol building*  
15 *annex.*

16     *SEC. 287. The sum of one billion three hundred million dollars*  
17 *(\$1,300,000,000) is hereby transferred, upon direction of the*  
18 *Director of Finance to the Controller, from the General Fund to*  
19 *the State Project Infrastructure Fund established by Section 14692*  
20 *of the Government Code according to the following schedule:*

21     *(a) One billion dollars (\$1,000,000,000) on or after July 1,*  
22 *2016, but no later than June 30, 2017.*

23     *(b) Three hundred million dollars (\$300,000,000) on or after*  
24 *July 1, 2017.*

25     *SEC. 288. No reimbursement is required by this act pursuant*  
26 *to Section 6 of Article XIII B of the California Constitution because*  
27 *the only costs that may be incurred by a local agency or school*  
28 *district will be incurred because this act creates a new crime or*  
29 *infraction, eliminates a crime or infraction, or changes the penalty*  
30 *for a crime or infraction, within the meaning of Section 17556 of*  
31 *the Government Code, or changes the definition of a crime within*  
32 *the meaning of Section 6 of Article XIII B of the California*  
33 *Constitution.*

34     *SEC. 289. This act is a bill providing for appropriations related*  
35 *to the Budget Bill within the meaning of subdivision (e) of Section*  
36 *12 of Article IV of the California Constitution, has been identified*  
37 *as related to the budget in the Budget Bill, and shall take effect*  
38 *immediately.*

1     SECTION 1. ~~It is the intent of the Legislature to enact statutory~~  
2     ~~changes, relating to the Budget Act of 2016.~~

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